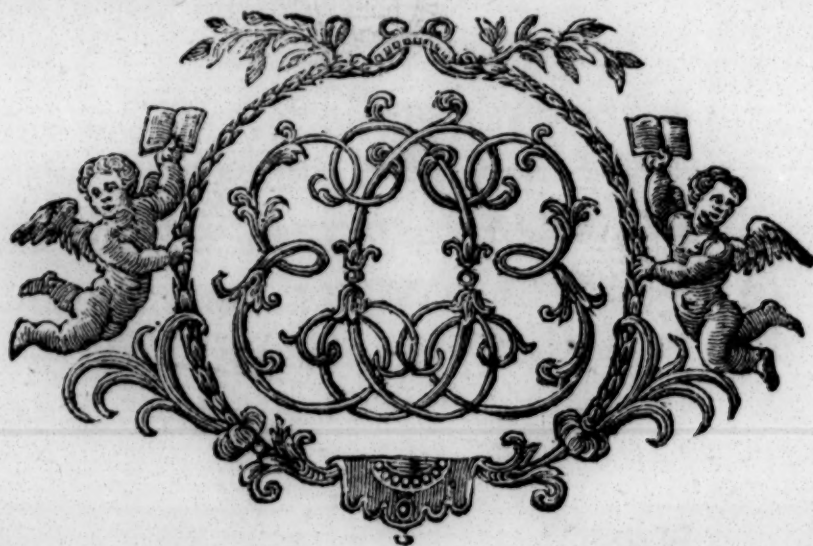


A N
INQUIRY
I N T O T H E
LIFE and WRITINGS
O F
C I C E R O :
I N C L U D I N G T H E
HISTORY of his BANISHMENT.

By Monsieur M O R A B I N :

Made ENGLISH from the FRENCH Original.



L O N D O N :

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AN
INQUIRY
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INCLUDING THE
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By MONTEGUT MORRIS.

Made Exact copy of the Original



LONDON:
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and G. & J. Chapman, 48, Strand, E.C.4.



T H E
P R E F A C E.

CICERO's Works are read
and esteem'd thro' the
whole World. They are
proper for every Age of
Man; I had almost said, for every
State and Condition of Life.

FROM our Childhood we begin
to relish a Language, which all Parts
of the Universe are acquainted with,
and which may properly be call'd
the *Key of Commerce*, as well as of
all the Sciences.

FROM hence the Youth imbibe the Precepts of that Art, which enables us to express our Thoughts, as well as our Wants : Here they find Models of the soundest and most perfect Eloquence ; an Eloquence no less distinguish'd by the Strength of its Reasoning, than by the Graces and Beauties that adorn it.

FROM hence the maturer Age of Reflexion extracts Rules for its Conduct, judicious Counsels, and Maxims equally wise in Speculation, and certain in Practice.

HERE lastly, Old-Age is sustain'd and nourish'd with the Substance of a Morality as pure, as it cou'd possibly be at a Time, when the Light of Truth was not yet come to enlighten the World, and renew the Face of the Earth.

I A M

I AM not apprehensive, that I shall be accus'd of saying too much. They, who read *Cicero*, know very well that I only restore to him a Part of what, his being consider'd in the single Quality of an Orator, has made him lose in the Minds of the Vulgar, with whom that Quality is infinitely more familiar than those Ideas can possibly be, which relate, and ought to be annex'd to it.

AFTER all, it is not the Fault of those who mistake this Denomination, that it is become rather an Epithet of Honour, than the Title of a distinct Profession, and that by transferring it from the Moderns to the Antients, the just Measure of that Opinion which we ought to have of them both, respectively, is lost.

IT

Matern.
de Orat.

IT is not, I say, their Fault, if by Orator we do not mean now, as in antient Times, a Man born with all the happiest Dispositions both of Body and Mind, fed, as it were, with the Quintessence of all the Sciences, form'd by the Conversation of the greatest Personages of the Commonwealth, experienc'd in Political, as well as Civil Affairs, and capable of discoursing upon them, with all the Energy, and all the Elegance, that the Subjects in question were susceptible of.

THE Vulgar are not always the most unreasonable People in the World : I shou'd be more puzzled to find an Apology for the Humour of another Sort of Persons, who, thro' I know not what Prejudice, imagine that *Cicero*, because he is the Oracle of the Schools, ought to
forfeit

forfeit his Right of being consulted in other Respects.

THEY do not consider, that if his Books are reckon'd to be of the first Class by those that are set apart for the instructing of Youth, it is because there is no Reading in the World more improving in all Respects: His Language and Style, which they so much affect to despise, was the Language of Heroes, of the Conquerors, and Masters of the World: His publick Orations, and the greatest Part of his Letters, and Conversations for the Importance of their Subject-Matter, are the most valuable Monuments of antient *Rome*, Master-Pieces of Wit, Learning, and Delicacy, which have been the Admiration of all Ages, and all Countries, excepting a few wretched Declaimers; a (a) *Largius Licinius*,
for

(a) Cujus Liber etiam fertur infando titulo, Cicero. *Maftix*. 17 *Gell.* 1.

for Example, a (a) *Rufus*, or a (b) *Gabinianus*, whom I mention only to prevent the Confounding of our Modern *Anti-Cicero's*, with the most contemptible *Schoolmen* of Times past.

BE that as it will, (for the Number of those I speak of, or ought to be much lessen'd within this Age, or thereabouts,) we have Reason to be surpriz'd at the little Care that has been taken hitherto, to make us thorowly acquainted with the Person and Behaviour of a Man so memorable for the Services which he did his Fellow-Citizens, Countrymen, and Posterity.

IF he had been nothing more than an Orator, or Man of Learning, the Merit of that wou'd be sufficiently,

(a) *Rufus* qui toties *Ciceronem* *Allobroga* dixit. *Juven. Sat. 7.*

(b) *Quotus enim quisque Scholasticorum non hac sua persuasione fruitur ut se ante Ciceronem numeret, sed plane post Gabinianum?* *Matern. de Orat.*

ciently glorious: His Works alone wou'd testify the Universality of his Genius, and the prodigious Extent of his Knowledge. We need only study them well, to be convinc'd that we might more easily conceive Bounds for the Sciences themselves, in the State they were brought to in his Time, than doubt either of the Perfection, which they wou'd have acquir'd from his Hands, had it been possible for him to treat of each of them in particular, or of the Capacity, which he had to shine and excel in every one.

BUT as *Cicero* is no less commendable for the Use, that he made of them, than for his continual Application to improve and multiply them, in my Opinion, 'tis depriving him of the most essential Part of his Glory, not to represent him in that agreeable View.

Pro Mu-
ren. 30.

HE was Citizen of a Commonwealth, where Employments and Dignities were the Recompence of Merit, and where all Merit consisted in Arms and Language; where it was necessary to be Eloquent, or be a Soldier; and where the Commander too, who was not expert at his Tongue, as well as his Sword, must renounce all Ambition, and consent to finish his Days in Obscurity.

CICERO being possess'd of all the Advantages that make and distinguish Great Men, had no Reason to deliberate long upon the Course he was to take: He was successively Questor, Edilis, Pretor, and Consul, without quitting, and almost without interrupting his Profession, by which he merited those important Offices. He was a Friend to the People, tho' attach'd to the Senate,

Senate; zealous for Discipline and good Order; an avow'd Enemy to all Remissness and Innovation; a Magistrate equally judicious, indefatigable, modest and disinterested; always ready to sacrifice himself for his Country: How many Examples of all this wou'd his History afford us? 'Tis readily acknowledged, it wou'd be very Curious: I speak too sparingly; the World perceives before-hand it wou'd be of infinite Advantage.

THIS was at least my Judgment of the Matter about Ten Years ago, when, with the Design of prosecuting the Work some Time or other, I collected the best Part of the Materials that were fit for the Composition.

WHAT *Plutarch* has publish'd upon this Subject is not a History: 'Tis only a Life. And tho' that Au-

Vit. Alex. thor had not taught us himself, what Difference we ought to make between the one and the other, we might easily perceive it by the Smallness of the Contents, and the Chasms he has left in it, not to reckon the Inaccuracy and the Mistakes he falls into, which are common with him and almost all the *Grecians*, that have writ upon the *Roman* Affairs.

THE Moderns have in one Sense done yet less, since we have nothing from them but Abridgments, Compilations of Passages, or other Discourses by way of Encomium or Apology; or lastly, some particular Dissertations fitter to make us sensible of our Penury, than to satisfy our Appetite.

NOT that the essential Facts are omitted in all these Collections: But they are disjointed and separated from their Causes, and void of
all

all Connexion, that shou'd relieve the Memory, or cement a Narration.

WITH Respect to some other Tracts, the Authors have cram'd in so much Erudition, that a Man must be learned, or at least desirous of being so, to undergo the painful wearisome Task of reading them through.

THEREFORE I thought a History, that shou'd comprehend all the Events relating to this great Man, might be very favourably receiv'd even by those, that are already acquainted with the principal Circumstances of his Life, especially, if, by placing them all in their Order I should be able to sort and adjust them in such a Manner, that the Reader may perceive their natural Connexion with one another; if I shou'd succeed so far, as to represent

a 3

sent *Cicero* in all the different Characters of a private Man, an Orator, a Magistrate and Statesman; and if I cou'd make use of such distinct Explanations as wou'd answer the Necessity I shou'd be under of clearing up a great many Things foreign to our Manners and Customs.

'TIS hardly possible to speak of *Cicero* at large, without mentioning his Son, his Daughter, his Sons-in-Law, his Brother, his Nephew, his two Wives, his Friend *Atticus*, and several other Persons, with whom he was concern'd in Interest and Affairs. And this Task I shall the more willingly engage in, as it is that Part of his History, which, tho' it be the properest to give us a true Idea of his Sentiments and Affections, has yet been most neglected.

To see him only at the Bar, or delivering his Orations from the Pulpit, will not let us into a full Knowledge of the Man. From such Theatres we are dazzled by the Splendor of a Man's Talent, and the Readers are as easily impos'd upon as the Multitude. I don't envy them the Pleasure of those glorious Spectacles: They are but too worthy of their Admiration: They are Ornaments too magnificent and pompous for a History. But how great soever their Lustre is, we shou'd suspect the Fallacy they are apt to put upon our Eyes, when it is the Man only that we are looking for: 'Tis in Truth he, that we desire to see, especially at those Moments, when disengag'd from all the Restraints of Company, he comes and deposits the Secret of his Ambition in the Bosom of his Family; when thus come to himself, and

free from all Disquiet and Perplexity, he acts with a perfect Security and Freedom, and gives himself up frankly to the Joy of his Heart and the Object of his Affections.

WHAT does it really avail the greatest Part of his Readers to know, that *Cicero* pleaded in the most important Causes, if at the same Time they are not inform'd of the Motives that induc'd him to undertake them? How can they make a Judgment of the Views which he had in espousing one Party rather than another, in favouring this or that Establishment, in defending this or that particular Law, if they don't discover in his Conduct the same Springs as govern the Movements of their own? If we shou'd pretend to relate all that *Cicero* has done for the sake of Order, Liberty, and his Country, we might as well ascribe to him all the Qualities and
Excel.

The PREFACE.

XXV.

Excellencies requir'd in the forming of a Citizen for *Plato's* Commonwealth; or rather, we might as well frame a Romance, as spoil his History with too glaring an Appearance of Wonders inconsistent with Probability.

UNDOUBTEDLY there are many Things to be admir'd in *Cicero*: But we must not expect a Series of Actions always equally great: He had his Imperfections, as well as his Virtues; and I am very glad, that even in his own Time, they presented us in the Confession of that Article, *by comparing one with the other, it will always appear, that he was an excellent Man; a Man, whom none but another Cicero can sufficiently commend.* 'Tis a kind of Satisfaction to me that, not engaging in this Orator's Panegyrick, (which I by no Means undertake,)

Tit. Liv.
Senec.
Suafor. 6.

I am under no Obligation of disguising or dissembling any Thing, that may disgust the false Delicacy of his Adorers.

I SHALL have occasion to reveal several of his Weaknesses in that Part of his History, which I now publish, and, perhaps, more yet in that which concerns the last Years of his Life. *Cicero* himself (for I wou'd hazard nothing of this kind but upon his own Testimony) will sometimes let us see two different Men, according as Circumstances, or the Scene changes; the one steady, and intrepid, whilst he thunders against *Cataline* and *Antony*; the other supple and intimidated, whilst *Cæsar*, or young *Octavius*, influences his Hopes and Fear, and makes him renounce his former Maxims and Principles.

Since call-
ed Au-
gustus.

HAD I thro' my own Prepossession, or thro' Deference to that of other People, been never so little touch'd with the common Madness of Panegyrists, I shou'd not have chosen this Morfel, I now publish, as an Essay or Sample of *Cicero's* History. Certainly his Exile is not the bright Side of his Life, if by his bright Side we are to understand a Steadiness of Soul, not to be shaken, a Courage prepar'd against the most terrible Disasters; a Constancy in Distress, which elevates a Man even above Humanity itself. I have nothing to say of this kind, nor of any Thing, that comes near it: 'Tis not the Hero, nor even the Philosopher, that I represent; those Ideas wou'd be too great and disproportionate to the Design; the most Common and Unprejudic'd are the only proper Ideas we shou'd bring along

along with us to the Perusal of this Story, if we wou'd make a true Judgment of *Cicero* in the Circumstances of his Disgrace,

BUT tho' for the Space of seventeen Months, which it continued, I have little to entertain my Readers with besides his Impatiences, Suspicions, Complaining, and Irresolutions, yet I made no Scruple to prefer that Part to all others; because in the Relation of great Mens Actions and Adventures, nothing touches and engages us so much as these personal Circumstances which bring them down to a kind of Level with our selves, and in some Measure take off our Dissatisfaction for not being so great as they.

BESIDES, this is one of the most considerable Events in all *Cicero's* History,

History, let us take it in what Light we will: 'Tis the only one that can be consider'd distinctly, without the Necessity of entring upon other Relations, and falling into the Inconvenience of Repetition: Above all this, 'tis that special Event which our Orator himself took most Care to call to Remembrance, and to particularize: In this I'm little more than his Translator; and in this Part, (as in all others, where I can have the same Advantage,) I shall not take the Trouble of consulting any other Memoirs.

I AM not the first Person, that thought of writing a distinct Treatise of *Cicero's* Banishment. Not to mention two small Tracts, entitled *Cicero Relegatus*, and *Cicero Revocatus*, (in which his Banishment is least of all discours'd of,) an *Italian* Civilian, call'd in Latin, *Constantius*,
Of Hor-
tensius
Landus.

Of Castell:
Durante,
in the
Dutchy of
Urbane.

tius Felicius Durantinus, about the End of the Sixteenth Century compos'd two others, one entitled, *De Exilio Ciceronis*, and the other, *De Glorioso Ciceronis reditu*. But as he himself lets us know in his Preface, that this was his first Attempt, the Tryal, as it were, of his Pen, and at Seventeen Years of Age, I was not at all surpriz'd to find nothing in 'em of Service to me. They are only some Passages of *Cicero's* and *Plutarch's* unskilfully put together, and set off with some Herangues of his own Production, not fraught with much Art or Ingenuity.

THE Thing that has been truly serviceable to me, was a Manuscript of Remarks made by the Abbot of *St. Real* upon the Third and Fourth Book of *Cicero's* Letters to *Atticus*; and particularly a Preamble introductory

ductory to the Reading of those Letters.

THIS Preamble, in which he has briefly related all *Clodius's* Practices, from the Time of his Adoption, to that of *Cicero's* Departure from *Rome*, is so extreamly well done, that I cou'd not help being mightily concern'd that so ingenious, so penetrating, and so delicate a Writer, as Monsieur the Abbot of *St. Real*, had confin'd himself to so narrow a Compass, and not rather turn'd his Translation into a History : For almost any Body is capable of translating, as he has done, or of collecting Passages together, as many others have done ; but few People have a Talent to work them up into a Treatise, and to give 'em an agreeable Turn adapted to the Taste of the Times.

Therefore

Therefore I do not only acknowledge my Obligations to him for the Materials he has furnish'd me with in several Places, where I cou'd make use of them, but I think my self oblig'd to honour his Memory for having given me the Plan of all the rest, which I have laid down as my Model throughout the Whole.



THE



T H E
H I S T O R Y
O F
C I C E R O ' s Banishment.

CICERO, about three Years Anno U.C. 693. ^{towards the} after the Expiration of his Consulship, began to enjoy ^{latter End.} that honourable Tranquility, which, from his first ^{In the Consulship of} entering upon the Scene of publick Business, he had propos'd to himself as ^{L. Afranius and Q. Coecilius Metellus Celer.} the best Recompence of his Labours.

THE Commonwealth still felt the good Effects of his prudent OEconomy and Administration; and tho' there was not so perfect an Harmony and Agreement amongst the several Parts of it, as heretofore, tho' the Constitution, from
B Time

The HISTORY of

Time to Time, did undergo some Shocks and Alterations, yet it was not hitherto grown so corrupt, but that it might be supported by a wholesome Regimen and Discipline. In a Word, as yet the Members of the Body Politick mutually assisted each other, and the Disease of one had not infected all the rest.

P. Servilius
Rullus.

CICERO was now at Ease: He had not the Enterprizes of an ambitious Tribune to grapple with, who, under Colour of a gratuitous Distribution of Lands, had blown up the People into Factions against their Governors; he had not the Task of making the private Pretensions of * proscrib'd Families, give way to the publick Interest, or of stopping the Progress of the most dangerous † Conspiracy, that ever had endangered the Commonwealth. (a)

* The Children of those, that were proscrib'd by Sylla.

† That of L. Sergius Cataline.

ALL these Enemies he had happily crush'd, in the Time of his Consulship; nothing remained now, but the Remembrance of their Defeat: And, as there

(a) Ego, calendis januarii, senatum & bonos omnes, legis agrariae maximarumque largitionum metu, liberavi. Ego adolescentes bonos & fortes, sed usos eâ conditione fortunæ, ut si essent magistratus adepti, reipublicæ statum convulsuri viderentur, comitiorum ratione privavi. Ego L. Catalinam cædem senatus, interitum urbis, non obscuré, sed palam molientem, egredi ex urbe jussi. In Pis. 4, & 5.

there was nothing more for him to wish for, after he had obtained the glorious Titles of the Preserver of Liberty, and the Father of his Country, so there seem'd to be nothing for him to fear, or apprehend.

BUT his Tranquillity being too closely woven with that of the State, had, in effect, no Stability, any longer than he cou'd keep the Balance even, between the two contending * Parties, * The Senate and People. which, for about fifty Years together, had been disputing for Sovereignty, any longer than the Senate cou'd maintain its Authority, and the Laws retain their Force. The Laws and Senate already made but a feeble Opposition against the Will of *Cæsar*; their Ramparts were not able to stop his Career, consequently they serv'd only to manifest his Power.

YET he was hitherto no more than design'd Consul: But his Union with *Pompey* and *Crassus*, his Intelligence, as well within as without the City, the Love of the People, the Affections of the Army, the auspicious Presages of his Fortune, gather'd from more Oracles than one, and more particularly from the Knowledge of the Superiority of his Genius, had made all the Orders of

of the Commonwealth truckle to him; even before he was invested with any Character to enforce their Submission.

Now, all Things tended to a Revolution, whose Consequences must needs be fatal to our Orator. He was not ignorant of this himself; nor wou'd he have fail'd, in finding out Means to ward off the Blow, if the too-pleasing Consciousness of the Services he had done his Country, had not made him presume too much upon the Gratitude of his Fellow-Citizens, and choose rather to refresh their Memories with those Services, and to rely upon them for the rest, than to provide for his own Safety, by taking proper Measures for his Defence.

As if *Cæsar*, in the present Situation of Affairs, who was not so properly the Head, as the Soul of the popular Factions, and the Scourge of the Senate, wou'd reckon himself oblig'd to him, for discovering the secret Machinations of the Conspirators, amongst whom he himself had been number'd, or, for causing the Principal amongst 'em to be put to Death, contrary to his Advice and Inclination.

WHATEVER *Cicero* might say, this Conspiracy was not so totally extinguished,

guished, but that there was some Life in it still; and that not only amongst the vulgar Rabble, who had been Tools to *Cataline*, but likewise amongst the noblest Families of *Rome*, where he had procur'd Accomplices, and where the Magistrates, whose Business it was to take publick Vengeance, had stopp'd their Searches and Inquiries, for fear the Criminals should be found too numerous and considerable.

THIS Indulgence, in the Event, was as serviceable to *Cæsar*, as it was pernicious to *Cicero*. It preserved to the one those Subjects which he had gain'd by former Engagements, and continued to the other those Enemies which his Zeal for the Common Cause had brought upon him; Enemies, whose Hatred was so much the more implacable, as it was envenom'd with the galling Vexation of being vanquished by an Up-start, that had made use of no other Arms against them, but those of his Eloquence, and who kept them still in awe, by that alone.

BUT the most inveterate and untractable of them all, was, undoubtedly *P. Clodius Pulcher*.

HE was of a Family as ancient at *Rome*, as the Commonwealth it self; and which, amongst other Things of illustrious

Note, cou'd at that Time reckon twenty six Consulships, five Dictatorships, seven Censorships, and as many Triumphs. (b)

As he was of a violent, impetuous, and turbulent Spirit, leagued by his Debaucheries with the dissolute licentious Youth of *Rome*, and by his Extravagance with all the Mob and Rabble of that great City, he was not five and thirty Years of Age, before he became a Subject of publick Discourse.

WITHOUT entering into a particular Enumeration of all the infamous Actions, which had stain'd his former Years, and dishonour'd his three Sisters, or of his later Practices in *L. Lucullus's* Army, or his forging and falsifying Wills in *Murena's*, or of all the other Enormities, which a Man could possibly be guilty of, that observ'd no other Law, either in his Words or Actions, but that of his own Caprice and Humour, I shall content my self with saying,

(b) Patricia gens Claudia - - - post Reges exactos sexto ferè anno à Patribus in Patricios cooptata - - - duo de triginta Consulatus, Dictaturas quinque, Censuras septem, triumphos septem adeptus est. *Sueton. Lib. 1.*

P. Clodius homo nobilis, disertus, audax, qui neque dicendi, neque faciendi ullum, nisi quem vellet, nosset modum, malorum propositorum exsecutor acerrimus, infamis etiam fororis stupro, & actus incesti reus ob initum inter religiosissima Pop. Rom. sacra adulterium. *Vell. Paterc. Histor. lib. 2.*

ing, that *Clodius*, as well as many others of his Rank, had been concern'd in *Cataline's* Conspiracy. But, whether it was that the Fact was not well attested, or that in consequence of the cautious Proceedings mention'd before, they had neglected to comprise him amongst the Abettors of that formidable Rebel, he came off clear, excepting a few Reproaches he had from *Cicero*, which did not fix any new Blemish upon his Character. (c)

A LITTLE time after the Suppression of this Faction, *Clodius* involved himself into another Affair; by his sacrilegious Presumption, shall I say, or only by his Indiscretion? He had conveyed himself, in the Night-time, into *Cæsar's* House, in the Habit of a Woman, when the *Roman* Ladies were there assembled, to celebrate the Mysteries of the *Bona Dea*, or, the Good Goddesses. (d) Now

(c) Post patris mortem primam illam ætatulam suam ad scurrarum locupletium libidines detulit, quorum intemperantiâ expletâ in domesticis est germanitatis stupris volutatus. deinde jam robustus Provinciæ se ac rei militari dedit, atque ibi Piratarum contumelias perpeffus, etiam Cilicum libidines barbarorumque satiavit. Post exercitu L. Luculli sollicitato per nefandum scelus fugit illinc -- Indè cum Muræna se in Galliam contulit, in qua Provincia mortuorum testamenta conscripsit, &c. *De Harusp. resp.* 42.

(d) Sæpe objicit Clodio Cicero, socium cum conjurationis fuisse. *Ascon. Milon.* P. Clodium Appii filium te credo audiisse deprehensum domi C. Cæsar's, cum pro populo fieret. 1 *ad. Artic.* 9. B 4

Now all Men were excluded from this Ceremony, upon Pain of Death, and every masculine Circumstance was so far forbidden, that the least Figure or Appearance, the smallest Token or Symptom of the Male Sex (tho' it were but in the Pictures of Beasts) was banish'd the Place of this nocturnal Sacrifice. Pursuant to a pious, but ridiculous Tradition, they imagin'd, the Goddesses wou'd strike, with immediate Blindness, any Man that shou'd rashly presume to look upon this Ceremony. 'Tis from hence the Secret of it is so well preserv'd, that we are still to learn in what it consisted; the same Veil, which conceal'd the Mysteries of *Ceres* of *Eleusis*, has likewise kept those of the Good Goddess from our Knowledge, which probably were only an Imitation of the former. (e)

THE Opinion of this pretended Punishment had never been contradicted by Experience, when *Clodius* ventur'd to incur it, at his own Peril: 'Twas for the sake of * *Pompeia*, *Cæsar's* Lady, with whom, as 'tis since believ'd, he

* Daughter
of Q.
Pompeius.

(e) ——— Ubi velari pictura jubetur,
Quæcunque alterius sexus imitata figuram est. *Juven. Sat. 2.*
Illic testiculi sibi conscius inde fugit mus. *Juven. Sat. 6.*
Quis ante te sacra illa vir sciens viderat, ut quisquam pænam, quæ sequeretur, illud scelus scire posset? *De Har. resp.*

he had an Intrigue. Whether that was true, or not, she suffered for it; *Cæsar* divorc'd her, without any farther Examination. (f) As for *Clodius*, he not only escap'd Divine Vengeance, but Human too. In spite of all the united Endeavours of the Vestal Virgins, and the Priests, to obtain Satisfaction for such a scandalous Offence, he was so happy as to win over his Judges, and by that Means was acquitted by a Majority of eleven Voices, above the twenty that voted for his Condemnation. (g)

THIS occasion'd great Murmurings and Discontent: *Cicero*, amongst others, cou'd not let it pass in Silence; but in a full Senate, on the 15th of *May*, 692, after a set Speech, which he made on purpose to rowze the dispirited Courage of other Members, who fore-saw, as well as he, what wou'd be the Consequences of such an Impunity, fell foul upon *Clodius* himself, and told him to his Face, *That he was mistaken, if he thought himself deliver'd from the Punishment his Crime deserv'd; that the Inclosure*
with-

(f) Uxori Cæsarem nuntium remisisse. 1. ad. Att. 10.

(g) Viginti iudices ita fortes tamen fuerunt, ut summo proposito periculo vel perire maluerint, quam perdere omnia; triginta unus fuerunt, quos fames magis quam fama commoverit. 1 ad. Att. 13.

within the Walls of Rome, was only a more extensive Prison for him, and such Offenders, as he was; and that if his Judges had acquitted him of Banishment, it was only, because Banishment to him wou'd have been a Sort of Liberty. (b)

IT may certainly be concluded, from the first of these Affairs, that *Cicero*, (notwithstanding what *Plutarch* says to the contrary) was no Friend to *Clodius*; and from the second, that *Clodius* must necessarily be a mortal Enemy of *Cicero*'s. For *Cicero*, not satisfied with inveighing against this Profaner, and all those that espous'd him, made a formal Deposition himself, that on the very Day the Sacrilege was committed, *Clodius* had been at his House; which Testimony quite destroy'd the *Alibi* alledg'd by the Criminal, and by consequence the only Expedient he had been able to devise, to bring himself off.

THIS Quarrel was still heighten'd afterwards by personal Reproaches, which they cast at one another, upon several Encounters, in which *Cicero*, who was the most unmerciful Rallier of his Time, did

(b) Erras, Clodi, non te judices urbi, sed carceri referarunt; neque te retinere in Civitate, sed exilio privare voluerunt. 1 ad. Att. 13.

did not balk the Keeness and Severity of his Repartees. (*i*)

HOWEVER *Clodius*, notwithstanding all his Resentments, as he was but a private Person, ruin'd by his Debaucheries, plung'd over Head and Ears in Debt, and generally detested by all good People, wou'd have spent all his Venom in fruitless Menaces, if he had not been directed and assisted underhand by the Counsels and Management of others, that had infinitely more Reputation and Capacity than himself. (*k*)

'Tis not easy to discover, who was the first that chalk'd him out his Way, and, amongst several other Projects of Revenge, put the Thoughts into his Head of being made Tribune. All that we know of the Matter, is, that from
the

(*i*) In Clodium veró non est meum hodie majus odium quam illo die fuit, cum illum ambustum religiosissimis ignibus cognovi muliebri ornatu ex domo Pontificis emissum. *De Har. resp.* 4.

In me fuit eodem animo, quo ejus familiaris Catalina, si vixisset, fuisset. *De Har. resp.* 5. Quos impetus in Pisonem, in Curionem, in totam illam manum, feci. --- Neque dixi quicquam pro testimonio, nisi quod erat ita notum atque testatum, ut non possem præterire. *1 ad. Att.* 13.

(*k*) Felix in evertendâ Rep. fuit Clodius nullis suis nervis; qui enim in ejusmodi vitâ nervi esse potuerunt? *Pro Sextio* 16.

Omnem illam tempestatem, cui cesserim, Cæsare impulsore & adjutore esse excitatam. *De Prov. cons.* 18.

Clodium frustra jam pridem a Patribus ad plebem transire nitentem. *Sueton. jul.* 20.

the Beginning of the Year 693, he set all his Engines to work, in order to remove the Difficulties and Obstacles which obstructed him in his Way to that Office of Magistracy. (l)

FOR tho' that Office was absolutely forbidden to all the Patricians by the very same Law, which first instituted and granted it to the People, yet the Expedient of Adoption seem'd to make room to elude the Law; and this was the Expedient by which *Clodius* flatter'd himself he should gain his Point, on Supposition that the Consul *Metellus*, who was his Cousin German, wou'd second him with all his Intérest and Authority. The only Difficulty then that seem'd to remain, was to find an adoptive Father. (m)

WHO wou'd imagine, that a Person of his Extraction shou'd have been puzzled in this Particular? And yet, tho' the *Romans* certainly were not indifferent towards any Thing, that bore the Distinction of Noble, yet Honesty did at this Time prevail over common Prejudice. The Necessity which *Clodius* was

(l) Ille autem non simulat, sed planè Tribunus Plebis fieri cupit. 2 ad. Att. 1.

(m) Nevè cui Patrum capere eum Magistratum liceret. 2 Tit. Liv. 33.

was reduc'd to, of having *Manius Fonteinus* for his adoptive Father, will not give us leave to think he had it in his Power to choose; if he had, he wou'd infallibly have made a better Choice.

BUT he was so far from finding the Assistance he expected, from his Kinsman *Metellus*, that when *C. Herennius*, one of the Tribunes of that Year, first mov'd the Senate in favour of his Adoption, that Consul, enrag'd to see his Cousin so basely degenerate from the noble Spirit of their Ancestors, (who had always been remarkable Enemies to Popularity,) openly declar'd, before all the Assembly, that he wou'd sooner strangle him with his own Hands, than consent to such a shameful Design. (n)

HE persisted in his Resolution, to the latter End of the Year, till *Cæsar*, who was Consul elect for the Year ensuing, and gain'd by *Clodius's* flattering Insinuations, and the Praises he profusely bestow'd upon him in Publick, remov'd all *Metellus's* Scruples, and surmounted those Obstacles, which no Body living, but him-

(n) Herennium quemdam tribunum plebis sæpè jam de Clodio. &c. 1 ad, Att. 16.

Verùm præclare Metellus impedit & impedit, &c. 2 ad. Att. 1.

himself, wou'd have had the Resolution to encounter. (o)

IT will not be improper, to examine a little into the Nature and Number of those Obstacles: We shall by that means make the better Judgment of that fatal Ascendant he had already got over the Laws; he, I say, to whose Protection *Clodius* ow'd the whole Success of this Proceeding.

IF I make use of the Term, *Adoption*, 'tis after the Example of *Cicero* himself, and other Writers, by whose Authority the Facts I relate are supported. I know very well, that properly speaking, we ought to use the Word *Adrogation*.

BUT these two Methods of Law having but one and the same End, I thought, that bating the Necessity of explaining the particular Differences between the one and the other, I might forbear a Term which is both less understood in our Laws, and less familiar in our Language.

ONE of the Differences is, that *Adoption* was sued for before the Pretor, with the Consent of the natural Father, at the Influence of the adoptive Father; whereas

(o) Nisi eos in coelum laudibus præclarus autor extolleret. *De Har. resp.* 47.

whereas the *Adrogation* was to be approv'd of by a *Plebiscitum*, or Law of the People, upon the Petition of one of the Tribunes, conceiv'd in these Terms: *May it please you to consent and ordain, that Pub. Clodius (for example) be deem'd the rightful and lawful Son of Man. Fonteius, in the same Manner, as if he had been begotten by him in Wedlock; and that M. Fonteius may have Power of Life and Death over P. Clodius, as he wou'd have over a Son of his own Body. This, Gentlemen, is what I request. (p)*

THIS Request used to be made in one of the Assemblies of the People, called *Comitia Curiata*; which was one of the most general and solemn Conventions, including all the Citizens that dwelt at *Rome*, of what Rank or Condition soever they were, provided they were of competent Age to give their
Votes.

(p) Quod per prætorem fit adoptio dicitur. Adoptantur autem cum à parente, in cujus potestate sunt, tertia mancipatione in jure ceduntur, atque ab eo, qui adoptat, apud eum, apud quem legis actio est, vindicantur. 5 *A. Gell.* 19. Adrogatio autem dicta, quia genus hoc in alienam familiam transitus per populi rogationem fit: ejus rogationis verba hæc sunt; Velitis, jubeatis uti L. Valerius L. Titio tam lege jureque filius fiet, quam si ex eo patre matreque familias ejus natus esset, utique ei vitæ necisque in eum potestas fiet, uti pariendo filio est: hoc ita ut dixi, ita vos, Quirites, rogo. *Ibidem.*

Votes. The *Pontifices*, or Pontiffs, us'd to preside at these general Assemblies. (q)

THE first Condition requir'd in a lawful Adoption was, that, the adoptive Father shou'd have no Children of his own; and moreover, that having either been married, or being still married, he shou'd be without Prospect or Hopes of having any. As they were not willing to discourage Matrimony, by granting too easy a Liberty of adopting other People's Children, so neither were they willing, that such Children as were born, or might possibly be born, in consequence of those sacred Bonds, shou'd be disappointed of their Birth-right, or depriv'd of those Advantages, which they might justly expect from the Ties of Nature. Now *Fonteius*, who presented himself to be the adoptive Father of *Clodius*, was married, and had Children. (r)

THE second Condition was, That the adoptive Father shou'd be old enough to be

(q) Comitia autem arbitris pontificibus præbentur, quæ curiata appellantur. *Ibidem*. Cùm ex generibus omnium suffragium feratur, curiata comitia esse. 15 *A. Gell.* 27. Ut is adoptet, qui neque procreare jam liberos possit, & quod non potuerit, sit expertus. *Pro domo* 34.

(r) Ætas quoque ejus qui adrogare vult, an liberis postea gignendis idonea sit. 5 *A. Gell.* 9. Liberos enim causâ? At procreare potest, habet uxorem, suscepit etiam liberos: exheredabit igitur pater filium? *Pro Domo*, 34.

be the true Father of the Person he chose for his Son; and to that End it was requir'd that he shou'd be, at least, eighteen Years older than him. For, as the Design of introducing Adoption was to supply the Defects of Nature, it was proper it shou'd imitate Nature as much as possible. (s)

To this Reason it may be added, that in old Times they had annex'd so great a Respect and Deference to a Superiority of Age, that an Adoptive Father wou'd have seem'd destitute of the most Honourable and Authoritative of all his Titles, if he had wanted that Superiority of Years over the Person that was to be reputed his Son. Now, *Clodius's* Adoptive Father was but twenty Years of Age, and *Clodius* himself was about Thirty five; for he was made *Edilis* two Years afterwards, and he must of necessity be Thirty seven, to be qualify'd for that Office. (t)

THE

(s) *Minorem natu majorem non posse adoptare placet; adoptio enim naturam imitatur. Instit. lib. 1. de Adopt. tit. 9. Adoptio sancta res est, quæ beneficia naturæ & juris imitatur. Calp. Flac. declam. 34. Adrogare non potest nisi jam vesticeps. 5 A. Gell. 10.*

(t) *Apud antiquissimos Romanorum majores natu à minoribus colebantur ad deum prope & parentum vicem, atque in omni loco inque omni specie honoris priores potioresque habiti. 2 A. Gel. 15. Tàm venerabile erat præcedere quatuor annis. Juven. Sat. 13.*

Adoptat annos viginti natus senatorem: Pro Domo. 34.

THE third Condition was, that either some Honour or Benefit shou'd accrue from thence to him that was to be adopted, in order to compensate whatever he might probably lose by renouncing his Name, his Family, his Domestick Gods, and by putting himself under the Power of another Person. (u)

Now *Clodius*, by the Loss of his Father, who had been dead a long Time before this, was become free from that Yoke of Subjection and Dependance; he was a Senator, and, as we have shewn, of sufficient Quality to pretend to the greatest Employments. Therefore, no Benefit cou'd accrue to him from any Alliance he cou'd enter into by Adoption; and tho' the Family of the *Fontei* was none of the least among the *Plebeians*, tho' it had produc'd several Pretors, and, amongst others, that * *M. Fonteius*, for whom *Cicero* had pleaded seven or eight Years before, and whom I believe to be the Father of him in question; yet this Family was not comparable to *Clodius's* in any Respect; and this *Fonteius*, at the Age he was then of, cou'd not be of
any

* *Pro M.*
Fonteio.

(u) Quæ deindè causa cuique sit adoptionis, quæ ratio generum & dignitatis à Pontificum Collegio quæri solet. *Pro Domo.* 34.

any great Consideration in the Commonwealth. Neither does it appear, that he ever distinguish'd himself afterwards; he's only known in History by this Circumstance of Adoption. As for his Estate, it is not to be suppos'd, since he had Children of his own, that he disinherited them, to bestow it upon an Adopted Son. (x)

THE fourth Condition was, that an Adoption shou'd always spring from honest and honourable Motives, at least that it shou'd not seem to proceed from Hatred, or be contrary to the Interest of any third Person. The sole End for which Adoption was instituted, was to be a Consolation to Fathers, that had no Children, and to provide them Successors capable of representing them, and transferring their Names and Honours to Posterity. Now, no Motives in the World cou'd be more dishonourable, and more apparently interested than those that influenc'd *Clodius*: He had no sooner acquir'd by this Change of Condition a Right of pretending to the Tribuneship, but

(x) Ut ne quid de generum dignitate minuatur. *Ibid.* 36. Generis antiquitas, quam Tusculo ex clarissimo municipio profectam in monumentis rerum gestarum incisam ac notatam videmus, tum autem continuæ Præturæ. Deinde recens memoria parentis. *Pro Font.* 31.

but he procur'd his Emancipation, in order to qualify himself for an Election to that Office, which he was not capable of bearing, so long as he continued under Paternal Authority. All *Rome* knew very well his Design was not to rest in that State of Subjection; considering the Pride and Haughtiness of his Nature, he certainly wou'd never have begg'd that Adoption, if the Use he propos'd to make of it had been good, or his Intentions honourable. (y)

THE fifth Condition was, that the *Pontifices* shou'd be call'd upon to certify whether those Conditions I have mention'd, and some others, that were more particularly under their Cognizance, concurr'd in the requested Adrogation. (z)

FOR

(y) Illud in primis nequa calumnia, nequa fraus, ne quis dolus adhibeatur. *Pro Domo*. 34. Adoptio fortunæ remedium est, orbitatis scilicet remedium. *Senec.* 1. *Controv.* 2. Quæ major calumnia est quàm venire imberbem adolescentulum, benè valentem ac maritum, dicere filium senatorem populi Romani sibi vellé adoptare? *Pro Domo*. 37.

(z) Id autem scire & videre omnes, non ut ille filius instituat, sed ut è patriciis exeat & tribunus plebis fieri possit, idcirco adoptari: neque id obscurè, nam adoptatum emancipari statim, nè sit ejus filius, qui adoptarat. *Pro Domo*. 37. Quæ ratio sacrorum quæri à Collegio solet. *Pro Domo*. 34. Nisi forte ex te quæsitum est, num perturbare remp. seditionibus velles & ob eam causam adoptari, non ut filius esses, sed tribunus plebis fieres & funditus civitatem everteres? Respondisti, credo, te ita velle; Pontificibus bona causa visa est. *Pro Domo* 35. Ne quid de sacrorum religione minuatur, *Pro Domo* 36.

FOR this was not an ordinary Case of common Adoptions, which belong'd entirely to the Jurisdiction of the Civil Law: The Matter in question, was to pronounce upon a Point of Publick Right, which none but they that were the Interpreters of that Right cou'd determine. The Original Cause of this Prerogative was as follows:

EVERY Family, besides the Gods they had in common with the rest of the People, had its own particular Domestick Gods, call'd *Lares* or *Penates*, which likewise had their peculiar Ceremonies, Sacrifices, and Festivals. For tho' it appears, that it had been forbidden in antient Times by the first *Roman* Legislators to have any other Gods besides those which had been in Possession of the Publick Worship for Time immemorial, yet as this growing State found itself under a Necessity of admitting great Numbers of powerful Families, that were Natives of *Italy*, and had their own particular Gods, they were indispensably oblig'd to except these Gods, their Sacrifices and Festivals out of the General Prohibition; after all the Precaution that had been us'd to prevent Confusion, they were reduc'd to the Necessity of having them authentically acknowledg'd. By

Means of this Formality, that which was only a Matter of Superstition, and ought to have been rejected as a dangerous Novelty, became so considerable an Article of the Religion of those Times, that we find it ratify'd and confirm'd even in the Laws of the Twelve Tables: There it is expressly ordain'd, *Religiously to celebrate the Sacrifices of the private Gods, and continue them in their Families without Interruption, in the same Manner as the first Heads of each Family had prescrib'd.* (a)

CLODIUS then cou'd not regularly pass into another Family, till Care was taken to preserve and continue the Sacrifices that were peculiar to his own; neither cou'd he, on the other hand, become engag'd to the Observation of those that belong'd to the Family of *Fonteius*, till after a mature Discussion of the Reasons for establishing the one preferably to the other. And, in this Examination, the *Pontifices* ought to be so much the more careful and exact, as they themselves had by the Multiplicity of their Decisions, very much embroil'd and perplex'd this Part of the Publick and Sacred Authority;

(a) Ritus familia patrumque servanto, ut conserventur &c deinceps in familiis prodantur. 2 de Leg.

riety; infomuch, that there was a perpetual Necessity for new Decisions upon all the various Cases that occur'd. (b)

FINALLY, to compleat the Form of Adrogation, it was necessary that it shou'd be approv'd of by a Law of the People, who, as the Common Father of all the Citizens, represented the Natural Father on this Occasion. And to that End it was necessary, that the Petition (the Form of which I have already recited, and) which the People had the Right of granting or refusing by a Plurality of Voices, shou'd be expos'd to Publick View for three successive Market-Days, nine Days distant from one another, that the Tribunes might examine at their Leisure, whether they ought not to oppose it, and that every particular Person too might have Time to deliberate and determine, whether he shou'd give his Vote for the Negative or Affirmative. (c)

Now,

(b) Quid sacra Clodiae gentis? cur intereunt, quoad in te est? quæ omnis notio Pontificum, cum adoptareris, esse debuit. *Pro Domo* 34.

Sed juris consulti sive erroris objiciendi causâ, sive ignorantie docendi, quod positum est in una cognitione, id in infinita dispartuntur. 2 *de Leg.*

(c) Si quod in cæteris legibus trinum nundinum esse oportet, id in adoptione satis est trium esse horarum, nihil reprehendo; sin ea observanda sunt, &c. *Pro Domo* 41.

Uncle and
Father-in-
Law to
Mark An-
thony, the
Triumvir.
This C.
Antonius
was like-
wise sur-
named Hy-
brida.

Now nothing of all this had been observed; insomuch, that according to the common Course of Things, there was not the least Appearance that this Adoption cou'd possibly pass, or even that it could be seriously propos'd; But it happen'd that *Cicero*, at this juncture, as he was pleading for * *C. Antonius Nepos*, who had been his Colleague in the Consulship, had inconsiderately launch'd out into some Complaints, which he thought pertinent to his Subject, but which might likewise be construed to refer to *Cæsar's* Incroachments, and the Abuse of his Authority. (e)

NEVER was Harangue more unseasonably made, more quickly catch'd up, or more maliciously aggravated and misrepresented, than this was by those who made it their Business to carry it to *Cæsar*; that is, to the Man, of all the World, that *Cicero* was the most obliged in Interest to keep Measures with. Neither could *Cæsar's* Resentment of it be possibly attended with a more sudden Effect; for he procured the Passing of
of

(e) Hora circiter sexta diei questus sum in judicio, cum C. Antonium collegam meum defenderem, quædam de Rep. quæ michi visa sunt ad illius miseri causam pertinere; hæc homines improbi ad quosdam viros tortes, longè aliter atque à me dicta erant, detulerunt. *Pro Domo* 41.

of the *Plebiscitum*, or Law of the People, for *Clodius's* Adoption, within three Hours after our Orator's indiscreet Ebullition. (f)

HE neither stuck at the Difficulties which I have particulariz'd, nor at many other Obstacles that occur'd at the very Instant of confirming the Adoption: For *Bibulus* being advertiz'd that the Proposition was going to be made in the *Comitia Curiata*, or general Assembly of the People, declar'd to *Pompey*, his Observation of the Heavens all that Day, according to his Privilege and Office as an Augur. *Pompey*, who presided over this Assembly in the same Quality, paid no Regard to this Sort of Opposition, but fill'd up the Measure of his enormous Irregularities, by the scandalous Abuse of his Function in Compliance to *Cæsar*. (g)

To fancy that *Cæsar*, upon this Occasion, discovered any passionate Resentment,

(f) Cicerone in judicio quodam deplorante temporum statum. P. Clodium, inimicum ejus frustra jam pridem à patribus ad plebem transire nitentem, eodem die horaque nona traduxit. *Sueton. Jul. 20.*

Dion. Hist. lib. 38.

(g) Negent fas esse agi cum populo, cum de cælo servatum sit: quo die de te Lex Curiata lata esse dicatur, audes negare de cælo esse servatum? Adest M. Bibulus; hunc Consullem contendo illo ipso die servasse de cælo. *Pro Domo 39.*

ment, wou'd be mistaking the Man in one of his most essential Properties, which was never to hurry or precipitate his Revenge.

Being Master of all his Passions, except his insatiable thirst after Dominion, he would, undoubtly, have dissembled the Uneasiness that *Cicero* gave him by his imprudent Digression, had he not been driven by some pressing Considerations to lay aside his usual Temper and Moderation.

The Zeal of this Orator for the public Good; his disinterested Spirit; his Vigilance; his Vigour and Resolution in the Business of the Conspiracy; the Trophies he erected to himself for having crush'd it; his close Attachment to the Senate, of which he look'd upon himself as the Guardian; his infatigable Diligence and Application to preserve Union and Concord amongst the Members; his Affection and Reverence for the Laws; his frequent Animadversions upon their Non-observance and Violation: All these Things, I say, were such powerful Arguments with *Cesar*, that he resolved to make himself Master of that Man's Fortune, who was so capable of thwarting his ambitious Purposes, if not in order to destroy him, (for he still enter-

entertained Hopes of gaining him over,) yet, at least, to intimidate and restrain him, and to prepare both him and all the rest, for the Yoke he designed to put upon them. (*b*)

BUT this was neither the only nor the first Obligation, that *Cæsar* laid upon *Clodius*: He had attach'd him to his Interest from the Time of the fore-mentioned nocturnal Adventure. The Indifference he had affected in so delicate an Affair, his refusing to make a Deposition against his own Wife's Gallant, was a Service, that deserved to be acknowledged at a proper Season. (*i*) But if *Clodius* cou'd have forgot this Instance of *Cæsar's* Kindness; yet, that which he now did in his Favour, was of it self such a powerful Obligation, that it must necessarily engage him, in spite of the vilest Ingratitude.

YET nothing could be more pernicious to the Publick, than the Consequences of this Adoption: It opened a Door to the *Patricians*, who had a
Mind

(*b*) Vos sequor, patres conscripti, vobis obtempero, vobis assentior, qui, quamdiu Cæsar's consilia in Rep. non maximè diligebatis, me quoque cum illo minùs conjunctum videbatis. *De Prov. cons.* 25.

(*i*) Testis rogatus negavit se quidquam comperisse. *Suet. Jul.* 74.

Mind to enter into the second Rank of the Nobility, whether with the View of becoming Tribunes, like *Clodius*, or of obtaining any other Civil or Sacerdotal Officers, that were peculiar to Persons of that Rank, (to be Consuls, for Example, in the Quality of *Plebeians*, when they could not attain to it as *Patricians*,) or with the View of being admitted into some Colleges, where otherwise they cou'd not get Admittance, or in Prospect of a thousand other Advantages of the same kind. (*k*)

THUS it was that *Clodius* became a *Plebeian*, and that, (to use *Cicero's* own Metaphor,) the fatal Bow was unbent, that had been the whole Year a bending, from which flew that deadly Arrow, which threatned him and all the Commonwealth in his Person. (*l*)

An. U.C.
694, in the
Consulship
of C. Ju-
lius Cæsar,
and M. Cal-
purnius Bi-
bulus.

THIS, and several other arbitrary Actions of *Cæsar's*, did but confirm the Opinion already entertain'd of him, that neither the Love of his Country, nor the

(*k*) Probate genus adoptionis, jam omnium sacra interierunt, quorum custodes esse debetis, jam Patricius nemo relinquetur: cur enim quisquam vellet Tribunum plebis se fieri non licere? augustiorem sibi esse petitionem consulatus? in sacerdotium cum possit venire (quia Patricio non sit locus) non venire? *Pro Demo* 37.

(*l*) Fuerat ille annus in Reip. magno motu & multorum timore tanquam intentus arcus in me unum & in universam Remp. *Pro Sext.* 15.

the Regard to Laws, wou'd be able to stop the Torrent of his Enterprizes. This fore-boding Notion was so general, that it quite extinguish'd all Opposition, and scarce left him any more than to signify his Will and Pleasure: But this Reputation was too considerable an Advantage for him not to improve it: We are not to imagine he apply'd it indifferently to all Sorts of Purposes. He never did any Thing by Force, that he cou'd effect by Skill; and if he did make use of Force, it never was hastily nor willingly, nor in Matters that he could possibly bring about by gentle Methods.

(m)

THUS altho' he was determin'd to remove *Cicero* out of his Way, yet he did no more at first than point out, at a Distance, the Person he should assign the Care of his Vengeance to, when he was dispos'd to take it. And as *Cæsar* in granting his Protection to *Clo-dius* did not furnish him with any present Means of hurting our Orator, so himself continued to live upon the same good Terms with him as he had always done, *that is*, without entering into any Explanation of the Resolution he had taken,

(m) Optimates metus ceperat nihil non ausurum eum in summo Magistratu. *Suet. Jul. 19.*

taken, he shew'd him all the outward Demonstrations of Respect which he used to do heretofore, and did not scruple to do it in a more extraordinary Manner.

AT the Meeting of the Senate upon the first Day of the Year he demanded his Vote next after *Pompey's* and *Crassus's*: By this particular Distinction (which depended on the Pleasure of the first Consul, whose Privilege it was to collect the Suffrages of the House) he put him upon a Rank with the only two Men that were suppos'd at that Time to share his Friendship and Confidence.

A LITTLE after this, he order'd *Cornelius Balbus* to inform him, That he wou'd be directed in all his Affairs by his Counsels,

'TIS evident, even from *Cicero's* own Testimony, that it was entirely in his Power, and depended only upon himself to be as closely link'd with *Cæsar*, as *Cæsar* was with *Pompey* and *Crassus*, and to make the fourth Head of that famous * Confederacy, which was both the Parent and Model of that † other, which in the first Excesses of its Fury cost our Orator his Blood: But tho' he was satisfied, that by that Union he shou'd entirely disarm *Clodius*, deceive the Multitude, and secure to himself a happy Repose

* The first Triumvirate of *Cæsar*, *Pompey*, and *Crassus*.

† The second Triumvirate of *Octavius*, *Antonius*, and *Lepidus*.

pose for his Old Age, yet at the Price that he must have purchased these Advantages, which were the only ones he then cou'd have in view, he thought himself oblig'd to forego them, and chose rather to retire into the Country, than to expose himself to the Necessity, either of fullying the Glory of his Life past by a Compliance, which must necessarily become boundless and indispenfable for the future, or of hastening his own Destruction by a fruitless unseasonable Resistance. (*n*)

FOR even at this very Time, *Cæsar* sent him word, that he absolutely depended upon him in an Affair, which he had very much at heart. (*o*)

THIS was a Promise he had engag'd himself under to procure a Law for dividing the Lands of *Campania*, and another neighbouring Canton, as fertile as that, amongst twenty thousand Citizens,
all

(*n*) Me in tribus sibi conjunctissimis consularibus esse voluit. *De Prov. cons.* 41. Balbus affirmabat Cæsarem omnibus in rebus meo & Pompeii consilio usurum --- conjunctio mihi summa cum Pompeio, si placet etiam cum Cæsare. 2 *ad. Att.* 3.

Reditus in gratiam cum inimicis, pax cum multitudine, senectutis otium, sed, &c. *Ibidem.*

(*o*) Quod à me aiunt Cæsarem sic expectare, ut non dubitet. *Ibidem.*

all such, as had each of them three Children at least. (p)

NOW, besides that these Lands were a Part of the Demains of the Commonwealth, this Alienation, which *Cæsar* had resolv'd to make of them, only tended to the Strengthening of his own Power; and consequently was doubly contrary to the Design and Appointment of those Funds, whose Revenue was particularly appropriated to the most pressing Exigences and Necessities of the State.

IN such a Circumstance as this to desire of *Cicero*, that he would countenance and back that Alienation, the very proposing of which had fill'd the Senate and all the honest Citizens with Horror, was the same Thing as to ask him to be an Example of a Submission, which must have rendered him equally odious and contemptible to all the World.

CÆSAR therefore took his Retirement in good Part: He was too much a Gainer by that, to be dissatisfy'd; he was not so unreasonable as to complain.

THE

(p) Campum Stellatæ majoribus consecratum, agrumque Campanum ad subsidia Reip. vectigalem relictum divisit extra sortem viginti milibus civium, quibus terni pluresvè liberi essent. *Suet. Jul. 20.*

THE Law, concerning the Distribution of the Lands in question, was propos'd to the People, and pass'd in spite of all the Opposition made by *Bibulus*, whom *Cæsar* drove out of the Forum with his Sword, notwithstanding the Murmurs of the principal Senators, who were all struck with such Terror at this violent Proceeding, that the next Day, when *Bibulus* made his Complaint in the Senate, not a Soul of them durst declare himself, or give his Opinion about it. From that Day, this Consul appeared no more in Publick; but thinking his Life was in danger, kept himself close shut up in his own House, from whence he never stir'd till the Year was ended, which at this Time was but just begun.

(p)

THUS *Cæsar*'s Projects, tho' vastly great in their Origin, did not fully discover themselves till the very Moment of their Success; which was often promoted by the very Difficulties that attended it. The Senate had strain'd their
Politicks

(p) Lege autem Agrariâ promulgatâ obnuntiantem Collegam armis foro expulit, ac postero die in Senatu conquestum, nec quoquam reperto, qui super tali consternatione referre, aut censere aliquid auderet, in eam coegit desperationem, ut quoad potestate abiret, domi abditus nihil aliud quam per Edicta obnuntiaret. *Sueton. Jul. 20.*

L. Luc-
cius.

Politicks, to put *Bibulus* upon him for a Colleague instead of * him that he intended to have. He did not dispute that venerable Body's Choice: It was sufficient for his Purpose to make him useless; and that Point he gained, even when he seemed wholly taken up with other Things. (q)

CICERO was at his Country-House, which he had near *Antium*: There he amused himself with his Books, and enjoy'd his Life, not only without Disquiet, but with some Sort of Satisfaction; at least he deliver'd himself to that Purpose to his Friend *Atticus*, who was then at *Butbrot*, the Capitol City of *Epirus*, where his Estate lay. (r)

HOWEVER, by the first Letter, which *Cicero* sent him from his Solitude, 'tis easy to be perceived, that he was then not come to a determinate Resolution of declining all publick Employments; and by the second that he had entirely laid it aside: For in the former he plainly discovers, that he envied *Clodius's* Deputation

(q) E duobus Consulatus competitoribus L. Luceio Mar-
coque, Bibulo, Luceium sibi adjunxit. Qua, re cognita,
optimates autores Bibulo fuerunt tantundem pollicendi. *Sueton.*
Jul. 20.

(r) Interea quidem cum Musis nos delectabimus animo
æquo, immò verò etiam gaudenti ac libenti. 2 *ad Att. 4.*

putation to *Tigranes* King of *Armenia*, which they then talked of his being nominated for: And in the latter, that he earnestly wishes to be chosen to go and re-establish *Ptolomey* in his Kingdom. (s)

THIS Prince, furnamed *Auletes*, was a natural Son to *Ptolomey Lathurus*. He occasioned himself to be driven from the Throne of *Egypt* by his own Subjects, thro' the Hatred they conceived against him for the excessive Taxes, with which he had oppressed them. They had likewise plac'd his Daughter *Berenice* in his stead, which obliged him to come to *Rome* in Person, to desire Succours against his rebellious Subjects. Hitherto he had been able to obtain nothing, neither from the Senate, nor People: But *Cæsar*, who slighted no Opportunity of making himself Creatures, had taken him into his Protection, and given him Hopes of his Restoration, which, however, was put off two or three Years longer.

THE Reason *Cicero* gives to excuse himself for desiring a Commission, so prejudicial to the Interests of the Senate;
is

(s) Clodius ergo ad Tigranem? Vellem Syripia conditione.
2. ad Att. 4. Cupio equidem & jampridem cupio Alexandriam reliquamque Ægyptum visere. *Ibidem*.

is this: " They are now grown tir'd with
 " my Company; I must endeavour to
 " make them desire it. But, adds he,
 " what will the honest Patriots say, if
 " any such remain? What will Cato say,
 " whose single Judgment weighs more with
 " me than a hundred thousand others?
 " What will History? what will Posterity
 " say? 'Tis that gives me more concern
 " than all the Reflexions of the present
 " Generation. I had better therefore
 " keep my Desires within my own Breast
 " and not declare my self so soon. For
 " if they should offer me that Commis-
 " sion, I should then be free to accept or
 " to refuse it; and it would be some-
 " what glorious even to refuse it: If
 " Pompey therefore should intimate, in
 " Conversation with you any Overtures
 " of that kind, don't absolutely reject
 " them. " (t)

POMPEY

(t) Cupio ab hac hominum satietate nostri discedere, & cum aliquo desiderio reverti. 2 ad Att. 5. Quid enim nostri optimates, si qui reliqui sunt, loquentur? Quid Cato ille noster, qui mihi unus est pro centum millibus? Quid vero Historiæ de nobis usque ad sexcentos Annos prædicarint, quas quidem ego multo magis vereor quam eorum hominum, qui hodie vivunt rumusculos? Sed, opinor, excipiamus & expectemus: si enim deferatur, erit quædam nostra potestas & tum deliberabimus; etiam est in non accipiendo nonnulla gloria. Quare siquid Theophanes tecum fortè contulerit, ne omnino repudiaris. 2 ad Att. 5.

POMPEY said nothing at all upon the Subject, in the first Place because, as I mentioned before, the Re-establishment of *Ptolomey* was deferr'd to another Time; and in the second place, because *Cesar* and he could use no better means in the World to make *Cicero* be forgotten, than to seem to forget him themselves.

AFTER this it seems very natural to believe that *Cicero* thought himself too near *Rome*, and that not being able to be there any otherwise than as an unhappy Witness of the Managment and Transactions destructive of the Constitution, he laboured to find out specious Arguments and Pretences for Absence; just like those Persons, that, when they find themselves unable to parry a desperate Thrust, decline the Sight of it hoping by that Means to lessen, in some Measure, the Sense of their Wound.

But the following Declaration, which he made to his Friend, will undeceive us, and set us right in this Particular:

“ That it depended only upon them, who
 “ were the Causes of his Removal from
 “ Rome, not only to bring him back
 “ again, and to fix him for ever (that
 “ would have been but a small Matter)
 “ but even to attach him to them and
 “ their Interests by granting him the
 D 3 Augurship

“ *Augurship*, vacant by the Death of
 “ *Metellus*, who was Consul the pre-
 “ ceding Year. *Behold my Levity*, says
 “ *Cicero*, even they, that are now at
 “ the Helm, win me by that single ex-
 “ pedient.” (u)

’Tis certainly astonishing to find, that a Man so jealous of Glory, as *Cicero* was, should be ready to renounce his Fame for ever, and sacrifice his Liberty, Reputation, and Virtue to his Fears. This gives us a very sensible Proof that our Triumphs over Self-love for the sake of Glory, are oftentimes but imaginary Triumphs.

IF I should say that *Cicero* had the Danger in View which threatened him from *Clodius*’s Quarter, and that, if he had such an ardent Desire to be Augur, it was only for the sake of the Privilege annex’d to their Persons, (which was an Exemption from all legal Punishment or Prosecution,) I am sensible I should not excuse him but at the Expence of that great venerable Idea, which this Orator himself, as well as most of the Antients, gives us of their Persons. Being too much prepossessed in favour of that Idea, we would not attempt to lessen it; and,
 as

(u) *Cuinam Auguratus deferatur, quo quidem uno ego ab istis capi possem. Vide levitatem meam. 2 ad Att. 5.*

as we measure our Opinion of their Greatness by the Emphasis of their Language, we are always willing to believe them even different from themselves, when we see them resemble us in such Motives and Impressions, as are common to Mankind. This undoubtedly diminishes their Greatness in some Degree, but still in the Comparison, the Advantage is vastly on their Side: They are still great enough to maintain a manifest Superiority, and support that Admiration they justly deserve. To dissemble their Frailties, or conceal their Imperfections, wou'd be to turn a History into a Panegyrick, and to forsake the Truth out of a ridiculous Fancy to draw a Picture without Shade.

WHETHER *Cicero*, in Effect, wanted to find in the Augural College a Sanctuary against Persecution, or whether he purely desir'd to be rais'd to that Dignity, for fear of declining in his Glory, the melancholy Reflexion, he subjoin'd to that Confession, lets us see, he was miserably tortur'd with the Conflict of different Passions. “ *But why shou'd I, says he, disturb myself? Why shou'd I still be hankering after Honours, if it be true, that I want to be rid of those I have, and to give myself up wholly to the Pleasures of Philosophy? Wou'd to*

The HISTORY of

“ the Gods I had never thought otherwise !
 “ But since Experience has taught me,
 “ that the Things I thought most desirable,
 “ are but meer Emptiness and Vanity ;
 “ the Muses for the future shall be my
 “ constant Companions. (x)

(y) C I C E R O was in all Respects so abundantly qualified for these Learned Employments, that we cou'd not exactly tell what Subject he design'd to engage in, if he had not inform'd us himself, that at the Request of his Friend *Atticus* he had promis'd to write a Body of *Geography*, at least to try his Skill in that sort of Literature, in which that *Roman Knight* was very well vers'd, as well as in *Chronology*, *Genealogy*, and all the other Parts of History. But after he had perused several Books that treated of this

* *An Astrologer and Geographer Librarian to Ptolomy, Philopater.*
 † *Another Geographer quoted by Plutarch.*

Science, particularly those of * *Eratosthenes*, whose Method he design'd to follow, and those of † *Serapio*, of which he said he did not understand the thousandth Part,

(x) Sed quid ego hæc, quæ cupio deponere & toto animo, atque omni curâ φιλοσοφῆιν ? Sic, inquam, in animo est ; vellem ab initio. Nunc verò, quoniam quæ putavi esse præclara, expertus sum quam essent inania, cum omnibus Musis rationem habere cogito. 2 ad Att. 5.

(y) Quod tibi superioribus literis promiseram nihil magno-pere confirmo, &c. 2 ad Att. 2: Etenim γεωγραφικὰ, quæ constitueram magnum opus est. Et Hercule sunt res difficiles ad explicandum. *Ibidem.*

Part, the Uncertainty of the Guide he had made Choice of, the Difficulty of steering a steady Course amidst the Variety of Opinions, that reign'd amongst the Antient Geographers, the Uniformity of the Subject, no Way susceptible of Ornaments, and besides all this, a certain Indifferency towards Study, which every Body finds, who makes a sudden Transition from the hurrying Stage of publick Business to the Calm of a private Life; all these Things together, I say, oblig'd him to retract his Promise to his Friend of sending him that Production of his Leisure.

ACCORDING to his own Account of the Matter, he wou'd rather have spent his Time in reading, or even in counting the Waves of the Sea, than in the composing of Books. And yet, as if writing a *Secret History of his own Times* was not to be reckon'd a Composition, he promis'd *Atticus* to write such a Treatise, in the Vein of *Theopompus*, that is to say, in as satyrical a Style as his was, who was the most severe Detractor of all the Historians of Antiquity. 'Tis not known whether he kept his Promise, or not; for we don't find amongst all the Fragments of his Works, the least Particle of such a History; nor did he ever
mention

mention it, that I know of, but only in this Place. But tho' it be a painful Task to write *Detractive Memoirs*, yet one wou'd think it shou'd be a kind of Relief to a Man, that had no other Way left to vent his Complaints with Impunity. (a)

ABOUT the middle of *April*, young *C. Scribonius Curio. * *Curio* made our Orator a Visit at his Country-Seat, and inform'd him of the Coolness that was grown between *Cæsar* and *Clodius*, who was *Curio's* intimate Friend. (b) *Cicero* drew very favourable Presages and Conjectures from this Piece of News, especially when *Curio* assur'd him, at the same time, that all the *Roman* Youth were extremely exasperated against the present Administration.

BUT in reality, there was nothing more in this News, than that *Cæsar* had signified some Dissatisfaction at *Clodius* for refusing to go Envoy to *Tigranes*. *Clodius*, on his Part, took it ill from *Cæsar*, that he had design'd him for such
a bar-

(a) Itaque aut libris me relecto aut fluctus numero. 2 ad Att. 2.

Itaque ἀνέκδοτα, quæ tibi uni legamus Theopompino genere aut etiam asperiore multò pangentur. *Ibidem*.

(b) Et scito Curionem adolescentem venisse ad me salutem. Ipse verò mirandum in modum Reges odisse superbos: peræque narrabat incensam esse juventutem, neque ferre hæc posse. 2 ad Att. 9.

a barren Embassy, instead of making him one of the twenty Commissioners, that he had nominated for distributing the Lands of *Campania*. *Curio*, who was a young Man, and full of Fire, loudly complain'd of this Injustice, imagining, that every one must needs enter into his Resentment; *Cicero* indeed did enter heartily into it, because it agreed so well with his own.

HE pretended, that " *If he wish'd Clodius shou'd be sent on that Embassy; it was not, because he was afraid of him; but only that Clodius might by that Means lose the Favour he had got amongst the People, by making himself a Plebeian.*" This was pure Sophistry; for what did it regard him, whether *Clodius's* Popularity increas'd or decreas'd, if he had apprehended no Danger from him; and had been really so well prepar'd for all Events, as he took Pains to appear? (e)

IT was now but the Month of *May*, and *Clodius* was already very busy in forming

(c) Legationem si ille contemnit, & si bilem id commovet latoribus & auspiciis Legis Curiatæ, spectaculum egregium. --- Hominem ire cupiebam non me herculè ut differrem vadium (nam mirâ sum alacritate ad litigandum) sed videbatur mihi, si quid esset in eo popolare, quod Plebeius factus esset, id amissurus. 2 ad Att. 7.

forming his Parties, and making Interest against the Election of Tribunes, *Cæsar* all the while not seeming to interest himself at all in his Favour; on the contrary, to take away all Suspicion of his designing that Tribuneship as an Instrument for the Execution of his own Projects, he took this very Opportunity of disputing the Validity of *Clodius's* Admission into the Number of *Plebeians*. *Clodius*, on his Part, spread it all about, that *Cæsar* was more inclin'd to thwart, than to favour his Election; his Sister and he us'd all manner of Arguments to persuade *Atticus* it was really so, with whom they had several Conversations upon that Subject. (d)

POMPEY look'd upon this Imposture, as too gross to think he cou'd make it credible by his Testimony; at least he took another Course to regain the Confidence of *Cicero*.

THIS was to make himself of Importance to *Cicero*, by the Power he pretended to have over *Clodius*, of whose Promises he took upon himself to be Guarantee:

(d) Negent illi Publium Plebeium factum esse, hoc vero regnum est. 2 ad Att. 8.

Publius Tribunatum plebis petit, inimicissimus quidem Cæsar, & ut omnia ista rescindat? Negat Cæsar quidquam de illius adoptione tulisse? 2 ad Att. 10.

rantee: Be that as it will, we find Cicero's Notions of the Matter, by the following Declaration. " If Clodius, (says he, in one of his Letters to Atticus,) breaks his Word with Pompey, I am as happy as I can wish. (e) I'll let that Conqueror of Judea know whether my extravagant Encomiums upon him deserv'd such a Return, as he has made by assisting my Enemy in his Adoption. Depend upon it, you shall see a formal, authentick Recantation. For, as far as my Penetration can reach, the Shuffler will continue link'd with our Tyrants, and therefore shall take no more hold of me (whom he calls the Consular Cynick) than of our * Fresh-water Tritons; for as we are stripp'd of all Power, not retaining the least Shadow of it, we shall not so much as be worthy his Resentment; and if he shou'd happen to break off with them, he wou'd have still less Reason to vent his Fury against us. Let Things fall out which way they will, I set him at Defiance. You must
 " acknow-

* Some of the principal Nobility in Rome, that were great Lovers of their Fish-Ponds.

(e) Si verò, quæ de me pacta sunt, ea non servantur, in Cælo sum ut sciat hic noster Hierosolymarius traductor ad plebem, quam bonam meis purissimis orationibus gratiam retulerit; quarum expecta divinam παλινωδιαν. Etenim, &c. 2 ad Ast. 10.

“ acknowledge, adds he, we were not
 “ very troublesome to ’em in the late
 “ Revolution: No, ’twas undoubtedly
 “ brought about with much less Com-
 “ motion, than I cou’d have thought,
 “ and much quicker than it ought. Cato,
 “ in some Measure, contributed to it:
 “ Yet he’s not to be blam’d so much as
 “ they, who slighted the presaging Omens,
 “ and despis’d so many Laws, the Ælian,
 “ Junian, Cæcilian, and Didian, those
 “ Bulwarks of the State, which they
 “ have levell’d to the Ground, that they
 “ may give away Kingdoms to whom they
 “ please, Lands to the People, and im-
 “ mense Sums of Money to their Favou-
 “ rites with the greater Impunity. I
 “ perceive at this Distance upon whom
 “ the Odium will fall, and who will be
 “ the Victim at last: But never trust my
 “ Judgment, my Speculation, or Experience
 “ in Politicks again, if they do not e’re
 “ long regret the Time of my Consulship. If
 “ the Senatorian Authority, when it was
 “ divided amongst all the Members of that
 “ Body, was thought odious, what will
 “ that Authority be now that it is trans-
 “ ferr’d, not to the People, but to three
 “ particular Persons of violent and un-
 “ bounded Passions? Let ’em make then
 “ what Consuls, and what Tribunes they
 “ please,

“ please ; you shall see, I say, before it
“ be long, that the true Patriots, and
“ Cato himself will become more power-
“ ful than ever. I don’t say this for
“ any Interest in relation to myself : My
“ Thoughts are wholly bent upon Phi-
“ losophy, if Clodius does not divert ’em.
“ If he does, I shall defend myself with
“ the Resolution of a Philosopher deter-
“ min’d to make that Man dearly repent,
“ who first presumes to molest him. Rome
“ cannot condemn me for having done no
“ more for her : I have at least done
“ more than she requir’d at my Hands.
“ Henceforward I had rather be under
“ the bad Government of others, than
“ pilot a Vessel myself, that’s fill’d with
“ such ungrateful Passengers.

SUCH were the Sentiments of Cicero at that Time ; something like a Man’s Fancy, that’s sailing down a rapid Current ; if he credits the treacherous Testimony of his Eyes, he’s apt to imagine the Vessel stands still, and the Trees move along the Bank of the River. Thus Cicero imagin’d the violent Motions of the State were only without, and wou’d be pernicious to none but those that had rais’d ’em. The Rumour of the Misunderstanding between Cæsar and Clodius daily increas’d, as the Time of Elections drew

drew nigh. It was positively given out, that the latter only desir'd to be Tribune, that he might disannul all that *Cæsar* had acted in his Consulship; and *Cæsar* made this Discourse the more credible by denying, as he did upon all Occasions, that he had any Way promoted his Adoption.

IT signify'd nothing to exclaim against Reports, which nothing but a Notoriety of the Facts cou'd disprove. They that are at the Helm of Affairs, know the Usefulness of these Wiles and Subtilties, better than we do; 'tis neither the Truth nor the Falshood of such Stories, that determines their Effects. The very Currency of 'em has its Advantages, especially in a Commonwealth, where, for one intelligent Person, that contradicts them, there are Thousands that embrace them without Examination, or espouse them thro' Malice and Ill-Nature.

IF the Measures which *Cæsar* took, had only related to *Clodius*, the Policy of this Feint of his Might justly be question'd, because instead of promoting, it seem'd to obstruct his Interest: But *Clodius*'s Tribuneship enter'd no farther into *Cæsar*'s Views, than as it was appendant to the Scheme he had form'd of securing by his Means the Magistrates that
were

were to succeed him. His Aim was to get the Government of the *Gauls* for himself, and his Brother-in-Law *Piso* to be nominated Consul; and if he succeeded in these Designs, he had Interest enough to make a Tribune in spite of the Senate, supposing a Tribune was necessary for his Purposes. (f)

THESE Discourses were designedly spread abroad to keep *Cicero* and the rest under their Illusion, to found their Inclinations, and to set them a talking; as it happen'd to *Metellus Nepos*, a Pretor, Brother to the Consul of the preceding Year, and to *Memmius*, who was also Pretor the Year following. By this Means *Cæsar* easily prevented their ill Offices, when once their Credulity had made them pull off their Masks. (g)

POMPEY in the mean Time being stung with the Reproaches he met with from all Quarters, for his Meanness in yielding himself up so abjectly to *Cæsar's* Will and Pleasure, began to shew some Symptoms of Dissatisfaction. He began to open his Eyes and view the Consequences

(f) Ad securitatem posterì temporis in magno negotio habuit obligare semper annuos Magistratus. *Sueton. Jul. 23.*

(g) Deindè suum Memmii, Metelli Nepotis exprompsit odium. 2 *ad Att. 10.*

quences of being link'd with a Person, that had more Greatness in Reality than he had in Appearance, and that made him infamous by being subservient to his Advancement. (b)

NOT but *Pompey* had as much Ambition as *Cæsar*, but he was inferior to him in all other Respects: As he had neither the same extensive Genius, nor the same Steadiness of Mind and Courage, so neither was he capable of designing or executing any great Projects, as he ought; for his Vanity was still greater than his Ambition; and after he had broken off from the Senate, he was grown almost as fearful, as he was naturally fickle.

HOWEVER, *Rome* had no other Person but him to set in Opposition to *Cæsar*, which is enough to make us comprehend, how important it was to *Cæsar* to keep him in his Interest: For in short, since the publick Prejudice in Favour of *Pompey* was so great, that they thought him the only Man in the World, that was capable of reviving the drooping Spirits
and

(b) *Sampficeramus*, cum se omnium sermonibus sentiet vapulari, &c. 2 *ad Att.* 14.

Noster amicus magnus cujus cognomen unà cum *Crassi* divitis cognomine consenescit. 2 *ad Att.* 13.

and languishing Hopes of the Senate, he certainly might have been able to re-animate them a great many Ways, and to defeat *Cæsar's* in the Time of his Absence.

CÆSAR, that he might fix and secure this wavering, irresolute Person by the same Bond, which he had made use of before to attach *Cæpio* to his Interest, one of the Tribunes of that Year, to whom he was particularly indebted for the Expulsion of *Bibulus*., took away his Daughter *Julia*, that was married to *Cæpio*, and married her to *Pompey*; and in Exchange gave *Cæpio* *Pompey's* Daughter, leaving young *Sylla*, to whom she was engag'd, and who was useless to his Designs, to provide himself elsewhere. (i)

THIS Alliance quieted *Pompey's* Uneasiness: But *Cicero* argues, that it only serv'd to make him more contemptible; because it necessarily attach'd him to *Cæsar*, and by consequence absolutely excluded him from the other Party. He
was

(i) Suamq; Juliam Cn. Pompeio collocavit, repudiato priore Sponso servilio Capione, cujus vel præcipua opera Bibulum paulò antè impugnaverat. *Sueton Jul.* 21.

Jacet enim Pompeius sic, ut Phocis Curiaña stare videtur.
2 ad Att. 17.

was passionately fond of *Julia*, as long as she liv'd; and she died precisely at the Time, when it was expedient, that her Father shou'd openly break off all Measures with her Husband.

THE Election of Consuls, which was customarily held towards the Middle of the Year, had brought *Cicero* to *Rome* about a Month before, that is, towards the latter End of *May*. See what he says concerning the Dispositions of the Town at that Time.

“ People talk with more Freedom and
 “ Boldness than ever; but 'tis only at
 “ Table, or over a Bottle. Affliction
 “ and Sorrow begin to take Place of
 “ Fear, yet all Things are full of Dread
 “ and Despair.” (k)

As for himself, if we credit his own Account of the Matter, he still maintain'd his Resolution gloriously in Comparison with the rest of the former Consuls; yet, so differently from what he had done heretofore, that he seem'd himself to be asham'd of it. To remedy
 this

(k) Hac tamen in oppressione sermo in circulis duntaxat & conviviis est liberior, quàm fuit. Vincere incipit timorem dolor, sed ità ut omnia sint plenissima desperationis. 2 *ad Att.* 18.

Metueor, ut oppressis omnibus, non demisse: Ut tantis rebus gestis, parum fortiter. *Ibidem.*

this Dishonour, in a little Time after he resum'd his Attendance at the Bar, which he had intermitted for some Years. Here he cou'd not do otherwise, than shine in the most glorious Manner imaginable; consequently the continual Applauses he met with here made his Disgrace at least more easy to him, if they did not entirely compensate the Dishonour of not being consulted upon the Affairs of State, nor assisting at the Council-Table. *Cæsar* did not let him enjoy this Advantage long without envying him the Glory of it: For notwithstanding the Precaution *Bibulus* had taken to put off the Elections to the Month of *October*, (l) which consequently shou'd have retarded the Nomination of the Provinces for the Consuls, because regularly that cou'd not be made till after their Successors to the Consulship were appointed, *Cæsar* procur'd himself to be nominated for the Government of *Gaul*, "and invited Cicero to go
 " along with him as his Lieutenant, un-
 " less he chose rather to go Deputy to the
 " Holy Land," (m) a sort of Pilgrimage
 which

(l) Comitia Bibulus in ante Diem 15 Kal. Novemb. disfluit. 2 ad Att. 20.

(m) A Cæsare valde liberaliter invitor in legationem illam, sibi ut sim legatus; atque etiam libera legatio voti causa datur. 2 ad Att. 18.

which serv'd the Magistrates for a Pretext to absent themselves from *Rome*.

IT is to be suppos'd *Cicero* had intimated some Inclination to such a Voyage, otherwise *Cæsar* cou'd not have made him that Overture, without making too plain a Discovery of his own Desire to have him remov'd, which is equally repugnant both to the Idea we have of *Cæsar's* Policy, and to the obliging Manner, in which, as *Cicero* owns, he made him the Proposals, and left him to his own Option.

BUT as to the Deputation, it wou'd not have protected him against the Rage of *Clodius*, and wou'd have depriv'd him of seeing his Brother *Quintus*, who was expected to return to *Rome* in a few Months from his Government of the lesser *Asia*. (n)

AS to the Lieutenantcy, *Cicero* confesses that wou'd have screen'd him from all Assaults, and have been a thorough Protection to his Person. "*This I don't reject*, says he to *Atticus*: *But to deal frankly with you, I don't think my Talent lies that Way. Besides, 'tis against*

(n) Sed hæc & præsidii apud furorem Pulchelli non habet satis, & à fratris adventu me ablegat: Illa & munitior est, & non impedit quò minùs adsum. 2. ad Att. 18.

" against my Humour to fly: I have a
 " longing Desire to stand the Brunt. (o)

IN a another Letter, that he sent to
 the same Person about a Month * after-
 wards, he had abated something of his ^{* About the Middle of July}

Courage and Resolution: " Clodius's
 " Menaces, and the Storm he is raising
 " against me, do in some Measure affect
 " me: However, I think, I might stand
 " the Shock, and come off with Honour;
 " or I can elude it without any Diffi-
 " culty. Then he adds: I foresee what
 " Answer you'll make me: You'll say,
 " perhaps, Have you not had Glory
 " enough, to be abundantly satisfy'd? If
 " you love me, consult your own Safety.
 " How unhappy am I without you! Why
 " are you not here? Nothing, I know,
 " wou'd escape your Attention. I perhaps
 " may be too much blinded, too passionately
 " fond of Glory."

WHILST he was in these Circum-
 stances, Cæsar offer'd him the Place,
 which

(o) Hanc ego teneo, sed usum non puto, neq; tamen scit
 quisquam; non libet fugere, aveo pugnare. 2 ad Att. 18. Minæ
 Clodii, contentionesq; quæ mihi proponuntur modicè me
 tangunt; etenim vel subire eas videor mihi summâ cum dig-
 nitate, vel declinare nullâ cum molestiâ posse. Dices fortasse
 dignitatis ἄλγος tanquam δρυς: Saluti, si me amas, con-
 sule. Me miserum! Cur non ades? Nihil te profectò præ-
 teriret. Ego fortasse τυφλώτῳ & nimium τῷ καλῷ προσέπτονθα.
 2 ad Att. 19.

which *Cosconius* had had in the *Vigintivirate*; that is, to be one of the twenty Commissioners appointed in consequence of the *Agrarian Law*. (p) 'Tis true, *Pompey* himself was one of the Number; but he had disparag'd himself by taking that Employment: And *Cicero*, besides many other Reasons which he had to refuse such an Office, wou'd not have it said, they had only made Choice of him for want of another, or to fill up a dead Man's Place. He was sensible such a Commission, as that was, instead of extinguishing the Malice which the ill-affected Party bore him, wou'd only have involv'd him in a Share of that Odium, which those Associates had incurr'd from the honest Party. In short it was by no Means a proper Office, or a promising Expedient to shelter him from the impending Persecution.

It was very unlucky for him; there was nothing but to be *Cæsar's* Lieutenant

(p) *Cosconio mortuo, sum in ejus locum invitatus.*

Id erat vocari in locum mortui. Nihil me turpius apud homines fuisset: Neq; verò ad istam ipsam ἀσφαλείαν quidquam alienius. Sunt enim illi apud Bonos invidiosi: Ego apud Improbos meam retinuissem invidiam, alienam assumpsissem. Cæsar me sibi vult esse legatum: Honestior hæc declinatio periculi. Sed ego hoc nunc repudio. Quid ergo est? pugnare malo. Nihil tamen certi. 2 ad Att. 19.

nant that cou'd protect him against it; and this he still declin'd, not that he was now very eager or desirous to stand the Shock, (for he frankly owns he knows not his own Mind,) but because, in all Appearance, he was angry that *Cæsar*, after he had first offer'd him this Sanctuary, shou'd propose another Expedient, which was both less safe and less honourable, only to force him to embrace his first Offers.

WHATEVER *Pompey* did to satisfy *Cicero*, tho' he took all the Pains in the World to persuade him, that he had nothing to apprehend from *Clodius*; that he wou'd sooner be cut in Pieces himself than suffer the least Violence to be done to him; yet, for all this, *Pompey* seem'd entirely to have lost his Credit: For what Dependance cou'd be had upon the Promises of a Man, that had not supported the Dignity of his own Character, even among the most ignoble Part of the People? (q)

AT the acting of a certain Tragedy, the Subject of which is unknown, *Diphilus*

(q) Pompeius affirmat non esse periculum, adjurat, addit etiam se prius occisum iri ab eo, quàm me violatum iri 2. ad Att. 20.

Populi sensus maximè theatro & spectaculis perspectus est.

philus the Player took the Liberty even to point at him with his Hand, to make it more plain to the Audience, that it was to him he applied several Times in that Play, and the following one in particular.

“ *Fortune made thee great, only to make*
“ *us miserable.*

THE Spectators were not satisfy’d with applauding the Actor, but they oblig’d him to repeat the Verses twenty Times over. (r)

WHAT a mortifying, insupportable Scene was this for one, that had never known what it was to be blam’d in his whole Life, one that had always been intoxicated with Praises and Acclamations, and loaded with accumulated Honours and Distinctions? He cou’d not bear this Ignominy, nor even the Town itself: He left *Rome*, and went to hide his Shame in *Capua*. But he found little Relief in that: There are certain Troubles, which neither Solitude nor Distance can remove, nor the deepest Dissimulation conceal. *Pompey* was too far engag’d to retreat; to turn back wou’d brand him with

(r) *Diphilus Tragædus in nostrum Pompeium petulanter in-
vectus est: Nostra miseria tu es magnus, millies coactus est
dicere. --- Totius Theatri clamore dixit; itemque cætera.*
2 *ad Att. 19.*

Val. Max. l. 6. c. 2.

with the Reproach of Irresolution and Inconstancy; and to proceed was to run headlong from one Precipice to another. (s) *Bibulus* likewise affronted and expos'd him in several Edicts: In short Things were carried to such a Length, that People's Indignation against him was at last turn'd into Compassion and Pity. (t)

CICERO in particular was extremely concern'd to see him so injuriously treated, and reduc'd to such deplorable Circumstances: "*As it wou'd have been,*" says he, *a very sensible Affliction to* "*Apelles or Protogenes to have seen*" "*one his* * *Venus, and the other his* * *Jalyfus, all besmear'd with Dirt* "*and Nastiness, so neither can I with-* "*out the most piercing Sorrow see a Man* "*that I had drawn with the choicest of* "*my Colours, and the most exquisite* "*Touches of my Pencil, so miserably* "*disfigur'd of a sudden, that I should* "*scarce be able to know he was the same* "*Person: After the Assistance he had*
lent

* Master-Pieces of those two great Painters.

(s) *Literæ Capuam ad Pompeium volare dicebantur.* 2 *ad Att.* 19. Itaque ille amicus noster insolens infamiae, semper in laude versatus, circumfluens gloriâ, deformatus corpore, fractus animo, quò se conferat, nescit.

Progressum præcipitem, inconstantem reditum videt; bonos inimicos habet, improbos ipsos non amicos. 2 *ad Att.* 21.

(t) Archilochia in Pompeium Bibuli edicta. 2. *ad Att.* 21.

“ *lent Clodius, no Body can suspect me of*
 “ *Partiality in his Favour, but the*
 “ *Truth is, my Affection for him is so*
 “ *great, that no injurious Treatment can*
 “ *extinguish it.”* (u)

BUT it appear'd in the Event, that Pompey was not the Person to be most lamented; that he had already weather'd the Storm, whilst they judg'd him in so much Danger of Ship-wrack: For it was much about this Time, that he made the following Declaration to Cicero.

“ *I have represented to Clodius, that I*
 “ *shou'd be look'd upon as one of the vilest*
 “ *Rascals in the World, if you were*
 “ *persecuted by him, into whose Hands I*
 “ *my self had put the Weapon, by suffer-*
 “ *ing him to be made a Plebeian. I in-*
 “ *sisted, that I had both his Promise and*
 “ *his Brother Appius's engag'd as Pledges*
 “ *of your Safety; and that if they fail'd*
 “ *to fulfil them, I should not fail to resent*
 “ *it in such a Manner, as to make it ap-*
 “ *pear to all Mankind, that nothing in*
 “ *the*

(u) Et, ut Apelles, si Venerem, aut Protogenes, si Jalysum illum suum cæno oblitum videret, magnum, credo, acciperet dolorem, sic ego hunc, omnibus à me pictum & politum artis coloribus, subito deformatum non sine magno dolore vidi. Quamquam nemo putabat propter Clodianum negotium me illi amicum esse debere, tamen tantus fuit amor, ut exhauriri nulla posset injuria. *Ibidem.*

" *the World was dearer to me than your*
 " *Friendship.* (x)

AFTER this he acquainted him that *Clodius* did not immediately comply with him; that he had been forc'd to bear with his usual Ravings, and make a great many Attacks before he cou'd bring him to give his Word of Honour, that he wou'd do nothing without his Concurrence.

BUT whether it was that *Pompey* extorted this Promise from him, or that *Clodius* in Reality made him no such Promise, he certainly took no manner of Care to observe it; but always continu'd to talk of *Cicero* in a most scandalous and outrageous Manner. (y)

POMPEY notwithstanding abated nothing of his usual Confidence: He still persisted in giving his Assurances, and taking the Danger wholly upon himself: And, if this positive Way of his, in which

(x) Cum hoc Pompeius egit, &, ut ad me ipse referebat, vehementer egit, cum diceret, in summâ se perfidiæ & scelestis infamiâ fore, si mihi periculum crearetur ab eo, quem ipse armasset, cum Plebeium fieri passus esset; sed fidem recipisse sibi & ipsum & Appium, de me: Hanc si ille non non servaret, ita laturum, ut omnes intelligerent, nihil sibi antiquius amicitia nostrâ fuisse. 2. ad Att. 22.

(y) Hæc, & in eam sententiam cum multa dixisset, aiebat. illum primò sanè, diu multu contra, ad extremum autem manus dedisse, & affirmasse, nihil se contra ejus voluntatem esse facturum: Sed postea tamen ille non destitit de nobis aspersimè loqui. 2. ad Att. 22.

which he took upon him to answer for *Clodius*, did not entirely beguile and mislead our Orator, it did at least so far extenuate his Fears, that he thought he might he might safely venture to leave the farther Explication of the Matter to another Opportunity.

CICERO in the mean Time did not in the least intermeddle in the Affairs of the State: He apply'd himself wholly to the Bar; by which Means he made the People in general his Friends, as well as those in particular, whose Interests and Causes he defended. His House was perpetually crowded; all the World flock'd about him, when he went abroad: And, what was more agreeable to him than all the rest, the Memory of his Consulship was every Day more and more reviv'd, in Proportion as the present Magistrates swerv'd from the Maxims he had observ'd in the Execution of that Office. (z) Hear what he says of it himself, in a Letter he writ at that * Time to his Brother.

* About
the End of
October.

*" I don't in the least apprehend, that
either Friends or Numbers will fail me,
when*

(z) Rempubicam nullâ ex parte attingimus; in causis atque in illâ operâ nostrâ forensi summâ industriâ versamur; quod egregiè non modo iis, qui utuntur operâ, sed etiam in vulgus gratum esse sentimus. Domus celebratur; occurritur; renovatur memoria Consulatus. 2. ad Att. 22.

" when I come to want their Assistance:
 " They make such generous Offers and
 " Professions, and promise me in such a
 " cordial affectionate Manner, that I
 " can't doubt of their Sincerity. You
 " see my Hopes are good; and I assure
 " you, my Courage is still better. Every
 " Thing looks with an auspicious, favou-
 " rable Aspect: I see nothing that shou'd
 " make us dread the Event. I am strongly
 " persuaded we shall come off triumphant:
 " For thus I reason with my self: Clo-
 " dius will either impeach me in Form,
 " and then all Italy will come up, and
 " make my Defence and Victory the more
 " glorious; or he will attack me with
 " main Force, and then I doubt not but
 " I shall have Numbers sufficient of my
 " Friends and others to defeat him. (a)
 " They have all engag'd themselves, their
 " Children, Friends, Clients, manumitted
 " Servants, Slaves, and Fortunes. Our
 " antient Associates, that excellent Troop
 " of honest, brave Men, ardently long to
 " signalize

(a) Nostræ Causæ non videntur homines defuturi. Miran-
 dum in modum profitentur, offerunt se, pollicentur; & qui-
 dem cum spe sum maximâ, tum majore etiam animo: Spe-
 ro superiores fore nos; confido animo, ut in hac re ne casum
 quidem ullum pertimescam. Sed tamen res sic se habet; si
 diem nobis Clodius dixerit, tota Italia concurret, ut multiplicatâ
 gloriâ discedamus; sin autem vi agere conabitur, spero fore,
 studiis non solum amicorum, sed etiam alienorum, ut vi resis-
 tamus. I ad 2. fr. 2.

“ signalize themselves in my Behalf :
 “ They, that were the most indifferent
 “ and cold in the Cause, now hate the Ty-
 “ rants, and come over to the honest Party :
 “ (b) Pompey promises me Wonders, and
 “ even Cæsar too. I so far believe ’em,
 “ as not to neglect my own necessary Pre-
 “ cautions. The Tribunes elect are in my
 “ Interest; the Consuls seem very well
 “ affected; and as for the Pretors, they
 “ are true Citizens, and faithful Friends,
 “ particularly Domitius, Nigidius, Mem-
 “ mius, and Lentulus.” (c)

THUS did Cicero ingeniously labour
 to deceive himself; and, by putting toge-
 ther only the promising Side of every dif-
 ferent Part of the Affair, he form’d a
 treacherous System of pleasing Hopes
 and flattering Expectations. What he
 meant by the Precautions he made use of
 I cannot tell, unless he thought perhaps,
 that by confining himself wholly to the
 Business

(b) Omnes & se, & suos liberos, amicos, clientes, libertos, servos, pecunias denique suas pollicentur. Nostra antiqua manus Bonorum ardet studio nostri, atque amore. Si qui antea aut alieniores fuerant, aut languidiores, nunc horum Regum odio se cum Bonis conjungunt. 1 ad Q. fr. 2.

(c) Pompeius omnia pollicetur, & Cæsar; quibus ego ita credo, ut nihil de meâ comparatione diminuam. Tribuni plebis def. sunt nobis amici, Coss. se optime ostendunt. Prætores habemus amicissimos & accerimos cives, Domitium, Nigidium, Memmium, Lentulum. 1 ad Quint. frat. 2.

Business of his Profession at the Bar, he should leave his Enemies no Room nor Handle to molest him. (x) But those Gentlemen, that were at the Helm, were too sagacious not to perceive that such a Truce as that, with State-Affairs, would expire with the Year; and that he now kept Silence only to break it afterwards with the greater Advantage and Glory. And taking this for granted, 'tis not to be imagined, how much the very Means, which he made use of to lay their Spleen and appease their Fury, contributed to make them resolve to get rid of him at any Rate whatever.

WE find by the same Letter that the Elections were over, notwithstanding *Bibulus* had postpon'd them to the Month of *October*. That Consul, with all his Endeavours, had not been able to hinder the Nomination of *Piso*, his Colleague's Brother-in-Law, and *Gabinus*, a Creature of *Pompey's*, to be their Successors. *Clodius*, notwithstanding the pretended Difference between *Cæsar* and him, was made Tribune. He continued to threaten *Cicero* publickly, and with
more

(x) Nos publicis consiliis nullis interfumus, totosque nos ad forensē operam laboremque contulimus. 2 *ad Att* 23.

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more Violence than ever; while he protested to *Pompey* he would do nothing injurious to that Orator, or rather whilst *Pompey* spared no Pains, and even stoop'd to the basest Artifice, to make *Cicero* believe so. (y)

CRASSUS too had a Hand in all this Management: He had never been, in Appearance, either a great Friend, or a great Enemy to *Cicero*. *Cicero*, on the other hand, having never had Esteem enough for *Crassus* to induce him to enter into Amity with him, had sufficiently discovered, on many Occasions, an Indifference to his Person. This must necessarily have left in such a haughty jealous Spirit, as *Crassus*'s was, a secret Heart-burning and Animosity.

BE that as it will, *Cicero*, to hasten his Friend *Atticus*'s Return, alledg'd to him among other Arguments, “ *That he*
 “ *would be very useful to him in sound-*
 “ *ing Pompey by means of Crassus, and*
 “ *Crassus by means of Clodia, in sifting*
 “ *them so, as to know how they were*
 “ *really affected towards him, and in*
 “ *helping him out of the Affair, or at*
 “ *least out of Error.*

“ *Now*

(y) Clodius non mediocres terrores jactat, atque denuntiat, & Sapphiceramo negat; cæteris præ se fert & ostentat. 2 ad Att. 23.

CICERO's Banishment.

67

“ *Now is the Time*, says he, *I stand*
 “ *in need of all your Counsels, Friend-*
 “ *ship, and Fidelity. Fly to me then*
 “ *without Delay. All Things will be*
 “ *easy to me when I have you. In see-*
 “ *ing you, I shall see every necessary ex-*
 “ *pedient: 'Twill be a great essential*
 “ *Point to me, that you come before Clo-*
 “ *dus enters into the Exercise of his*
 “ *Office. (z)*

BESIDES these Reasons for pressing *Atticus's* Return, *Cicero* had a Mind, by his Mediation, to contract a Friendship with * *Varro*, in order to secure his Interest with *Cæsar*, and that of *Hortensius* with *Pompey. (a)*

*M. Teren-
tius Varro

MANY People, who judge of Things purely by their natural Conformity, will be surpriz'd to find that the most eloquent, as well as the most learned of all the *Romans*, should have Occasion to use the Mediation of a third Person. The Case would be still worse, if *Varro* should

not

(z) Puto Pompeium, Crasso urgente, si tu aderis, qui per *Βρώπιδα* ex ipso intelligere possis qua fide ab illis agatur, nos aut sine molestia, aut sine errore futuros. Nunc mihi & consiliis opus est tuis, & amore & fide: quare advola; expedita mihi erunt omnia si te habebō; tum ego requiram te ad omnia. Unum illud tibi persuadeas velim, omnia mihi fore explicata, si te videro. 2 *ad Att.* 22.

(a) Multa per Varronem nostrum agi possunt, quæ, te urgente, erunt firmiora. 2 *ad Att.* 22.

not have answered the Expectations of the one, and the Sollicitations of the other : And yet that's a Point I would not take upon me to affirm ; for *Cicero*, after having described this Favourite as a Person, of all Men living, the most capable of fathoming and diving into the most hidden Secrets, insinuates in obscure Terms ; “ *That he had likewise the great Art of bearing with the Fol-
lies of his Masters.* ” (b) And where- ever I have met with that happy Ta- lent, I never found that the Laws of a new made Friendship were very bind- ing. *Cicero*'s Doubts and Fears still multiply'd upon him : In the Letter, from which I took this Fragment, he tells *Atticus*, that when he acquainted him in a preceding Letter, that he was well pleased with *Varro*'s Conduct, he did it not so much to signify his being satisfy'd with him, as to excite him by that Acknowledgment to be more as- sistant to him, than he had been hither- to. (c)

BUT how languid and feeble soever this Friendship might be in its Infancy, it was no less vigorous and lively in its
Pro-

(b) Mirabiliter enim odoratus est ελικά, κ) ὕδεν. Sed nos tenemus præceptum illud τὰς τῶν κραδόντων. 2ad Att. 25.

(c) Sed ego mallem ad illum scripsisses, mihi illum satis- facere; non quo faceret, sed ut faceret. *Ibidem.*

Progress : These two excellent Men afterwards, with a mutual Emulation, rendered it immortal by making a reciprocal Dedication to one another ; *Cicero* of his Academical Questions, and *Varro* of his Treatise upon the Latin Tongue.

“ *As to Hortensius, (adds Cicero in the same Letter,) with what Eloquence and Profusion has he strown the Flowers of his Eloquence upon my past Actions ! Believe me, he could not possibly speak of me more affectionately, more copiously, and more honourably, than he did. I understand he had a Letter from you.* ” (d)

IT was in the Cause of * *Flaccus*, who, at his Return from the Government of the *Lesser Asia*, had been accused of Extortion, that *Hortensius* took Occasion to expatiate upon the Praises of *Cicero* : They were the more pertinent to his Subject, inasmuch as they made up a Part, as it were, of *Flaccus's* Defence ; because they corroborated and confirmed the Testimonies, that *Cicero*, who was likewise one of his Counsel, had

* L. Valerius Flaccus.

Pro L. Flacco.

(d) At herculè alter tuus familiaris quàm plena manu, quàm ingenuè, quàm ornatè nostras laudes in astrâ sustulit ! Sic habeto, nec amantiùs, nec honorificentius ; nec copiosius potuisse dici. 2 ad Att. 25.

had given of his Integrity and Zeal in the Affair of *Cataline*, wherein *Flaccus*, who was then Pretor, had rendered him extraordinary Service.

HERE it is observable, that *Cicero*, with all his consular Dignity about him, was yet indebted to a simple *Roman* Knight for two of his most eminent and illustrious Friends. Are we to conclude from thence, that *Cicero* was defective in those endearing Qualities that are requisite to conciliate People's Affection, or that *Hortensius* and *Varro* were vain enough of their Nobility to over-look in him what was the truest and most essential Part of their own Titles and Distinction? This is a Problem, which I shall leave for the Decision of others.

CÆSAR had a Mind to go out of his Consulship in the same Manner as he came into it, and to make it visible, that, tho' he was going from the Helm of Government, his Design was still to be Master of the Vessel, and to have it in his Power to defeat all Efforts that should be used towards the Repealing of his Laws by the Advantage of his Absence. To this End, he formed a Scheme to embroil and perplex them all with a Notion of a Conspiracy; which was only a Sham-Plot of his own contriving that he had entrusted to the Management

ment and Execution of one *Vectius*, who had served our Orator as a Spy in the Time of his Consulship, and, for that Reason, would not be suspected to have any Understanding with the Person that now set him to Work. (e)

VECTIUS presently addressed himself to young *Curio*, who, by Reason of his Aliances, his Favour with the Publick, and his own turbulent Spirit, was a proper Tool for *Cæsar's* Purpose, and a fit Person to be drawn into, and intangled in the Plot. After *Vectius* then had insinuated himself into this young Gentleman's Familiarity, so far as was necessary to prepare him for this false Confidence, he communicated to him the Secret of his Resolution to murder *Pompey*. But *Curio*, instead of falling into the Snare, discover'd the Design to his Father, and his Father to *Pompey* himself. (f)

THE Affair being laid before the Senate, *Vectius* was brought to be examined: At first he denied the Fact, or seem'd to deny it, till he could make Terms for his own Pardon and Impunity

(e) *Vectius* ille, noster index, *Cæsari*, ut perspicimus, politicus est, se curaturum, ut in aliquam suspicionem facinoris *Curio* filius adduceretur. 2 ad *Att.* 24.

(f) Itaque insinuatus in familiaritatem adolescentis, & cum eo sæpe congressus, rem in eum locum deduxit, ut diceret

The HISTORY of

nity. As soon as that was granted him he confessed all named his Accomplices, and mentioned *Curio* as one of the principal Ring-Leaders. He added farther, that one of *Bibulus's* Secretaries, had brought him a Poniard by that Consul's own Direction. (g)

EVERY Body laughed at this last Circumstance, which was too absurd to require Confutation; so that *Curio*, when he was brought in to his Examination, easily confounded the Evidence, and detected the Imposture. Hereupon the House pass'd a *Senatus-consultum*, by which *Vectius* was condemn'd to Imprisonment; and whoever should release him, was declared an Enemy to the State. (h)

THE Opinion the World entertained of this Affair was, that the Design of those Persons, who concerted it, was to have *Vectius* and his Company, when they were all armed, and ready for the Execution of their bloody Purpose, surprized

sibi certum esse cum servis suis in Pompeium impetum facere, eumque occidere. Hoc Curio ad patrem detulit, ille ad Pompeium; res delata ad Senatum est.

(g) Introductus Vectius primò negabat se unquam cum Curione restitisse; neque id sanè diu, nam statim fidem publicam postulavit: haud reclamatum est; tum exposuit manum fuisse juventutis, duce Curione. Postea Caium Septimium, scribam Bibuli, pugionem sibi à Bibulo attulisse; quod totum irrisum est.

(h) Introductus Curio filius dixit ad ea quæ Vectius dixerat,

prized and apprehended upon the Spot, which would certainly have happened accordingly, if *Curio* the Father had not discovered it; or if *Cæsar* had not too much presumed upon the Discretion of the Son. So true it is, that the most consummate Wisdom is sometimes defective, and mistaken in the Means it makes choice of for accomplishing its Ends. (i)

CÆSAR, that he might not be entirely frustrated of his Aim in this Imposture, the Noise and Discovery of which, must necessarily prove of ill Consequence to him, caused *Vectius* to be brought out of Prison, and be examined before the People, where he made him say whatever he thought fit to dictate and suggest. *Vectius* amended his former Deposition, and leaving out several Persons that he had impeached the Day before, he substituted others in their Room, which he had not so much as mention'd before the Senate. Amongst these were * *Lucullus* and *Piso*, Cicero's Son-in-Law. Cicero's himself he did not name; but he said, "That one of the most
eloquent

*L. Lucullus.

Fit Senatus consultum, ut Vectius in vincula conjiceretur; qui eum emisisset, contra Remp. esse facturum.

(i) Res erat in ea opinione, ut putarent id esse actum, ut Vectius in foro cum pugione, et item servi ejus comprehenderentur cum telis: idque ita actum esset, nisi Curiones rem antè ad Pompeium detulissent. 2 ad Att. 24.

“ eloquent Persons of consular Dignity
 “ and a Neighbour to Cæsar, had told
 “ him, That the Commonwealth want-
 “ ed a Servilius Ahala, or a Brutus. (k)

I'M sensible that *Dion* and *Appian* relate this Story in a very different Manner. They suppose that *Lucullus*, *Cato*, *Bibulus*, and our Orator, being all dissatisfy'd with *Cæsar's* Contrivances to prolong his Power beyond the Date of his Consulship, and to secure his Game whilst he was absent in *Gaul*, had come to a Resolution to destroy both him and *Pompey*; and that, their Purpose being discovered by the Treachery of *Vectius*, *Cicero*, in his Oration for *C. Antonius*, his antient Colleague, had provoked and pushed that great Man's Patience to the last Extremity, and made him determine to get *Clodius* translated into the *Plebeian* Rank. (l)

BUT *Cicero* gives us so different an Account of this Affair; and there is so little Reason to imagine he would disguise

(k) Cæsar Vectium in Rostra produxit. Hic ille omnia, quæ voluit, de Rep. dixit, ut qui illuc factus institutusque venisset. Primum Cæpionem de oratione sua sustulit. Deinde, quos ne quidem attigerat, eos nominavit, Lucullum, Pisonem, generum meum; me non nominavit, sed dixit Consularem disertum, vicinum Consuli, sibi dixisse, Ahalam Servilium aliquem, aut Brutum opus esse reperiri. 2 ad Att. 24.

(l) Dio lib. 28.

Appian. de bello Civil. lib. 2.

guise the Truth of it, that his single Testimony is sufficient to overthrow the Credit of those two Historians, whose Authority, especially that of *Dion*, is in other Respects very questionable.

FOR, in the first Place, this Plot, if it was one, was not discovered till the end of the Year, near the Time that *Clodius* was made Tribune; whereas *Cicero's* Oration for *Antonius* was spoken a Year before.

IN the second Place, it is not true, whoever was the Author of the Conspiracy, that there was any Design against *Cesar's* Life; therefore no Consequence can be drawn from it, with Respect to the Resentment ascrib'd to him by those Historians.

IN the third Place, *Cicero* was neither mentioned nor describ'd in *Vectius's* first Deposition; and if he was pointed out in the second, it was amidst so many Shufflings and Contradictions, that all the World perceived it was *Vatinius* who had had a great Hand in all this Management, and was at that Time a Tribune of the People, that directed and obliged *Vectius* to add that Forgery to his former Testimony.

IN the last Place, *Cicero* says expressly and positively, that he had plainly found out *Cesar* himself to be the Inventer
and

and Contriver of this whole Intrigue; and another Circumstance, which adds great Probability to the Truth of this is, that according to *Dion's* own Confession, when the Senate resolv'd to sift this Affair to the Bottom, *Cæsar* contrived to have *Vectius* privately strangled in Prison. And why this extraordinary Step, unless to make himself more sure of his Secret?

APPIAN says that *Cæsar* made use of this Calumny, this malicious Supposition, to exasperate the Spirits of the Populace against the Party that opposed him. Perhaps he made use of it too as a colourable Pretence for his Reconciliation with *Clodius*, that he might another Day be able to throw the Blame of bringing such a troublesome Man into the Tribuneship upon the Suspicions that *Lucullus* and *Cicero* had given him of their Disaffection to him, and evil Intentions against his Person.

BE that as it will, *Atticus* came to *Rome* soon after the Receipt of the Letter, which gives an Account of these Particulars: And *Clodius* entered upon the Exercise of his Magistracy, according to Custom, upon the 10th of *December* of this Year 694.

To begin with some Action or other by which he might oblige *Cæsar*, and,
at

at the same Time, be revenged of *Bibulus*, their common Enemy, he affronted that Consul upon the last Day of the Year, in the same Manner as *Nepos* had affronted *Cicero*, upon the same Day in the Year 690, that is, he would not suffer *Bibulus* to give an Account of his Administration to the People. He was forced to be satisfy'd with taking the usual Oath, which no Person whatsoever had a Right to hinder him from. (m)

THE third Day of the new Year 695, *Clodius*, apprehending his Designs wou'd meet with Opposition, began his Administration by proposing several Laws that were very popular, the better to prepare their Minds for the Reception of those he intended against *Cicero*.

An. U. C.
695. Cons.
L. Calpurnius Pison
& Aulus
Gabinius.

FIRST of all, under the Pretext that Corn was then very dear, he, instead of desiring to lower the Price only, as had been always the constant Practice on such Occasions, proposed to have a free * Distribution of it made to the People *gratis*.

* *Clodia*
frumentaria.

Now this extraordinary Liberality was impracticable without depriving the Commonwealth of a fifth Part of its Revenue.

(m) Ego, cum in concione, abiens Magistratu, dicere, a Tribuno plebis prohibere, &c. In *Pion. C.*

Revenue. Which was the Reason why it had met with such a vigorous Opposition 40 Years before, when another seditious Tribune, nam'd *Saturninus*, had broach'd the like Project, but was never able to effect it, tho' he succeeded, 'tistruë, in many other Enterprizes no less pernicious.

CLODIUS prov'd either more powerful, or more fortunate ; for he not only had his Proposal agreed to, but likewise got the Employment of directing and managing the Distribution for one of his own Domesticks, an infranchis'd Servant of his Family call'd *Sex. Clodius*, whom' he had made his Register or Secretary. (n)

THERE was not a more profligate, vile Fellow in all *Rome*. *Cicero* upbraided him so publickly with the infamous Services he render'd his Master in his incestuous Commerce with his own Sister *Clodia*, that we have no Room to doubt but this Wretch was the Tool and Companion of their most secret Debaucheries. (o)

SUCH

(n) Ut remissis semilibus & trientibus, quinta prope pars Vectigalium tolleretur. *Pro Sext.* 55.

(o) Scilicet tu-helluoni spurcissimo, prægustatori libidinum tuarum, homini egentissimo & facinorissimo, Sexto Clodio, socio tui sanguinis, qui suâ linguâ etiam sororem tuam à te abalienavit, omne frumentum privatum & publicum, omnes Provincias frumentarias, omnes Mancipes, omnes horreorum claves lege tua tradidisti. *Pro Domo.* 25.

SUCH a Fellow as this was not likely to discharge his new Commission with much OEconomy or Moderation: Besides, his insupportable Insolence in the Execution of his Office, he extended it vastly beyond its Bounds: He made such an extravagant Waste and Profusion of the Grain, that he quite exhausted the publick Magazines and Store-Houses; so that in a short Time the People were entirely at the Mercy of the private Dealers, which quickly rais'd the Corn to an exorbitant Price. (p)

WITH the same View of making himself popular amongst the Multitude, (who were not sagacious enough to perceive so soon what ill Consequences his first Law wou'd produce,) *Clodius* propounded a second, which was to re-establish those trading * Communities and Companies, * *De Collegiis.* which the Senate had dissolv'd and abolish'd ten Years before, and likewise to form and erect a considerable Number of new ones. This Law was of no little Importance to *Clodius*, by Reason of the pro-

Omnium non bipedum, sed etiam quadrupedum impurissimum. *Pro Domo.* 48.

Tu Sororem tuam virginem esse non sivist: Jure eandem & sororem, & uxorem appellare possis. *Pro Domo.* 92.

(p) Quâ ex re primum caritas nata est, dein inopia. *Pro Domo.* 25.

prodigious Number of Creatures it enabled him to make. (q)

* De Censoria nota.

THAT he might curry Favour with the Senate, he projected a third * Proposition, which was, to take away the Right, which the Censors were invested with, of excluding from that Assembly all those, whose Lives and Conversations were dissolute and irregular, and to divest them of their Power of stigmatizing with the Mark of Infamy any Member of that Body, unless he were first impeach'd in Form before the Senate itself, and condemn'd by their unanimous Sentence. (r)

* De Ob-
nuntiatione
tollenda.

AT the same Time he propounded a Fourth Law, which was, to prohibit the Augural * Observation of the Heavens upon any of those Days, on which the Magistrates cou'd regularly treat with the People. (s)

THE Tribunes had the Liberty of treating with the People, or, what amounts

q) Collegia non ea solum, quæ Senatus sustulerat, restituta sunt, sed innumerabilia quædam nova ex omni fæce urbis ac servitio constituta. *In Pison. 9. Pro Sext. 55.*

(r) Ut Censoria Notatio & gravissimum Judicium sanctissimi Magistratûs de Rep. tolleretur. *Pro Sext. 55.*

(s) Sustulit duas leges, *Æliam*, & *Fusiam*, maximè Reip. salutares. *De Harusp. resp. 58. In Pison. 9. Pro Sext. 56. Post red. in Sen. 10. Dio Lib. 38. Plut. vit. Cic.*

mounts to the same Thing, of proposing Laws to the People, as often as they thought it convenient. But they were extremely cramp'd in this Liberty, by the Necessity they were under of submitting to the Augurs, who generally having a good Understanding with the Senate, often defeated the Designs of those popular Magistrates by the Power they had to dismiss all Assemblies, suspend their Deliberations, and even repeal and disannul all Acts, from what Power or Authority soever they resulted. (t)

As to the Nature of the Augural Observations, it will be sufficient for our Purpose to know, that they were made by the Augurs viewing and examining any Part of the Heavens they fix'd their Eyes upon, which perhaps was a Fourth, an Eighth, or any other Proportion of the celestial Hemisphere : This they delineated and describ'd in a mysterious, but inaccurate Manner. For they us'd no Instrument but a hollow, hooked * Staff, * Lituus and seldom had any Knowledge that Way, but a confus'd Heap of extravagant, ridiculous Visions, the Off-spring of their Imaginations, drawn from their

G fanciful

(t) Quid enim majus est, quàm posse à summis imperiis & summis potestatibus Comitatus & Concilia, vel instituta dimittere, vel habita rescindere? 2 de Leg.

fanciful Omens of *good* or *ill Fortune*, from the Combination of Numbers, from any fortuitous Accident, or casual Concurrence of the most natural Effects. Any Object whatsoever, that happen'd to come in their Way, any Thing they saw, any Sound or Noise they heard, whatever affected any of their Senses within the intermediate Space of Air, between the Face of Heaven and the Surface of the Earth, serv'd them for Signs and Prognosticks: All this vast, unmeasurable Circumference was subject to their Speculations. They pretended to be the Interpreters and Expounders of all those presaging Signs and Omens to all that wou'd believe them; and that the *Hetrurians* or *Tuscans* (whose Doctrine and Rules they pretended to follow) were the first that found out the Art of deciphering these Mysteries, and expounding their Meaning. Formerly great Numbers of People were weak enough to give into this Illusion: But unfortunately there remain'd no Foot-steps of this Science either in the Augural Colledge, or amongst the *Tuscans*. However, as a Persuasion once receiv'd and establish'd, generally prevails over People's Reason and Understanding; so this of Divination had all along been kept up in great Credit; in such a Manner, tho', that the Custom of observing

observing the Heavens, which was religious in its Institution, was in Process of Time become a State-Engine in the Hands of the *Patricians*, of infinite Service to 'em in their political Concerns.

IT was much against the Grain of the People, that the Augurs shou'd thus have the Power of thwarting their Tribunes, whenever they thought fit to signify to 'em, that they had observ'd the Heavens: Undoubtedly therefore, this new Regulation, which *Clodius* had a mind to bring about, was very acceptable to the Multitude. But its being agreeable to them, was no Argument of its not being pernicious to the Commonwealth: For the Liberty of propounding indefinitely all Sorts of Laws, being in it self subject to the greatest Inconveniencies; there was no other Way to prevent an Inundation of 'em, than by leaving the Augurs, or some other Magistrates, the same extensive Liberty of opposing. It was for this Reason the *Ælian* and *Fusian* Laws, which had introduc'd this Method of Opposition about a Hundred Years before this Time, were look'd upon as the Bulwarks of the publick Tranquillity, and the strongest Safe-guards the State had against the Enterprizes of ambitious Tribunes. Undoubtedly it was for this Reason, that *Cicero*, in the System of

Laws which he form'd afterwards, retain'd this, by which it was ordain'd, that
 " every Citizen should obey the Au-
 " guries. (u)

DION says, that *Cicero*, foreseeing that all these Innovations tended to his Ruin, engag'd * *L. Ninnius* one of the Tribunes, who was his Friend, to oppose them; but that *Clodius* made *Cicero* so many Protestations either in Person, or by the Interposition of others, that he wou'd certainly undertake nothing in the World against him, that our Orator was weak enough to believe him, and even to oblige his Friend *Ninnius* to desist from his Opposition.

* In several Editions of Cicero, 'tis L. Mummius, but the most learned Critics are of Opinion it shou'd be L. Ninnius Quadratus, as he is call'd in Dion.

PLUTARCH adds, that *Clodius*, to remove all the Suspicions that People might have of his Design, declar'd in all Places, that he intended no Manner of Hurt to *Cicero* in all that he had done or said against him; and that the whole Blame was owing to our Orator's Wife *Terentia*, who had occasion'd this Misunderstanding between 'em. (x)

I shou'd be willing to credit this Historian, if the Fact which he relates was not founded upon a Supposition, without which

(u) Centum propè annos legem Æliam, & Fufiam tenueramus. In *Pison*. 10.

Qui agent auspicia servant, auguri parento. 3 de *Legib.* Dio lib. 38.

(x) *Plut. Vit. Cic.*

which it wou'd be destitute of all Probability. For that *Terentia*, being jealous of *Clodius's* Sister, (with whom he pretends *Cicero* was in Love,) shou'd exasperate her Husband against her Rival's Brother, there's no Incongruity in that: We might let that pass without Difficulty. But how shall we reconcile the pretended Jealousy of the Wife with the present Situation of the Husband's Amour, when we consider, that *Cicero*, upon *Clodius's* taking the Liberty three Years before to call him *Peasant* in a full Senate, return'd him this cutting Repartee? “Ask your
 “ Sister what I am: There was a Time,
 “ when she wou'd have thought her self ve-
 “ ry happy with the *Peasant*, if the *Pea-*
 “ sant had been fond of her Favours.”

THIS seems to be a plain Declaration, that if he had had a Kindness for *Clodia* formerly, it had been at an end for some Years; unless they took the publick Protestation to be in Earnest, which he made after his Return from Banishment concerning the same *Clodia*, “That he never
 “ thought of incurring the Enmity of any
 “ Woman, much less of one, that was al-
 “ ways thought every Man's Friend, ra-
 “ ther than any Man's Enemy.” (y)

G 3

Now

(y) Nequè enim muliebres unquam inimicitias mihi gerendas putavi, præsertim cum eâ, quam omnes semper amicam omnium, potius quam cujusquam inimicam putaverunt. *Pro Cal.* 32. Obliviscor jam injurias tuas, *Clodia*, &c. *Ib.* 59.

Now considering *Cicero's* Sentiments of this Lady, there cou'd be no Room for *Terentia* to be jealous on her Account; consequently she had no Occasion to irritate her Husband against that old Coquet's Brother. There is a much greater Probability, that *Clodia* was the Person, who did them both these ill Offices with her Brother.

BESIDES, *Cicero* and *Clodius* had never dissembled or made any Secret of the mutual Aversion they had for each other. And if it be absurd to think the former cou'd doubt of the Danger he was in after all that we have seen hitherto, it wou'd be no less absurd to imagine the latter cou'd think himself capable of putting so gross a Cheat upon *Cicero*.

WE may therefore assure our selves, that *Cicero*, when he oblig'd *Ninnius* to desist, was rather prevail'd upon to do so by some of his powerful, perfidious Friends, of whom we shall find him complaining in the Sequel, than induc'd to it thro' any Confidence he put in *Clodius's* sham Protestations, which he made and spread abroad on purpose to dissipate his Fears and Apprehensions.

CLODIUS by these several Proposals, which were most of 'em comply'd with, having acquir'd as much Favour and Interest as he had occasion for, presented at
last

last a fifth Proposal, which was a Bill against all Persons, "*that should cause a Roman Citizen to be put to Death, without his being previously condemn'd by the People.*"

THERE had been several Laws enacted before this to the same Purpose. Besides the * *Valerian Law*, which was deriv'd from, and twice renew'd in the Family of *Valerius Publicola* its Author, the † *Porcian* and ‡ *Sempronian* Laws had provided very severe Penalties against those, that shou'd either put a *Roman Citizen* to Death, or even punish him with whipping. These Laws were still in Force at the Time we are speaking of; and it wou'd be very difficult to find any Precedent of inflicting Death upon a *Citizen of Rome*, for any other Crime but High Treason. And before they cou'd proceed to the Condemnation of such as were guilty of High Treason, it was necessary, that the Senate shou'd first pass an Order, and direct a special Commission to the Consuls in Words to this Effect: "*Let the Consuls beware, that no Detriment accrues to the Commonwealth.*" (z) This Commission

* *De provocatione ad Populum.*

† *Procur'd by Porcius Loeca according to Ant. Augustin.*

‡ *By Sempronius Gracchus.*

G 4

was

(z) Hoc juris in hac civitate etiam tum, cum Reges essent, dico fuisse; hoc nobis esse à majoribus traditum, hoc esse denique proprium liberæ Civitatis, ut nihil de capite Civis, aut de Bonis, sine judicio Senatûs aut Populi, aut eorum, qui de

was never granted but in extraordinary Cases, and the most pressing Dangers and Emergencies. This was the Commission, I say, from which the Dictator himself deriv'd all his Authority, and which invested him with the Power of Life and Death over such as were mutinous and disobedient in his Army. (a)

THE annexing of so singular and extraordinary a Distinction to the Quality of a *Roman* Citizen as this was, of exempting his Person from Capital Punishment, was without doubt a very proper Way to support the Majesty of a People, that was destin'd to rule over all others: Nor is it in the least surprizing, that such a People shou'd keep up that distinguishing Mark and Badge of their Sovereignty: But that, which is highly worthy our Admiration, is, that the *Roman* Commonwealth never preserv'd its Discipline and Authority better, than in that Space of Time, when the Laws themselves, which secur'd that eminent Prerogative, pronounc'd no otherwise against
Prevari-

de quâq; re constituti judices sint, detrâhi possent. *Pro Demo.* 33. 43. 77. *Pro Sext.* 65.

Qui Civem Romanum indemnatum interemisset, ei aquâ & igni interdiceretur. *Vell. Patere.* l. 2.

(a) Ea potestas per Senatum more Romano Magistratui maximo permittitur, exercitum parare, bellum gerere, &c. *Salust. Bel. Cat.*

Prevaricators, than in these Words, "*Who-
" soever shall offend against this Law, shall
" be judg'd to have acted against Rule
" and Order."*

THEY did not continue indeed in After-times upon the same Footing. The same Integrity of Manners was now no more; there was a Necessity of providing a severer Chastisement in the Room of that salutary Shame, whose Curb was now grown too feeble to restrain the growing Spirit of Sedition.

BUT it is so certain, that Traytors were never included in that Exemption from capital Punishment; that it was expressly enacted since by the * *Julian* Law, that they shou'd be punish'd with Death, according to antient Custom.

* *Julia*
Majestatis.

IN other Cases, and for other Crimes, they were contented to condemn Citizens to Banishment, Fines, or perpetual Imprisonment. In Treason only they extended the Punishment to the Confiscation of Body and Estate. And tho' it were necessary, that this Execution, and the Sentence that decreed it, shou'd be preceded by a *Senatus-Consultum*, or Resolution of the Senate, (the Form of which I have related before,) yet this, in my Opinion, was not so much to give a Validity to the Sentence, as to discharge the Judge.

THUS

The HISTORY of

THUS *Nasica* and *Opimius*, in their Times, had caus'd the two *Gracchi* to be put to Death ; thus *Marius* had caus'd *Saturninus* and *Glaucia* to be executed ; thus *Cicero*, arm'd with the same Power, had caus'd *Lentulus*, *Cethegus*, and three more of *Cataline's* * Accomplices to be strangled in Prison ; and therefore seem'd to be out of the Reach of all Inquiries, and not liable to be call'd to any Account.

* *Statilius*,
Gabinus,
Ceparius.

HOWEVER, we must remark a Difference, that there is between the *Clodian* Law, and those others, which had been made antecedently. That Law seem'd to allow no capital Sentences to be legally pronounc'd, but such as were pass'd by the People, and by that Means tax'd all the *Senatus-consulta*, or Resolutions of the Senate with Insufficiency, by the Authority of which *Cicero* and the rest had proceeded.

FOR this Reason *Cicero*, tho' he was not mention'd in the Law, look'd upon himself as compriz'd in it, because he was included in the Case, that was there specify'd and express'd. He therefore chang'd his Dress, that is, he put himself into Mourning, according to the Custom of Persons that were formally impeach'd. (b)

THIS

(b) Cujus legis verbis etfi non nominabatur Cicero, tamen solus petebatur. *Vell. Pat. l. 2. Dio. lib. 38.* Nana

THIS was presenting himself to the impending Blow, and giving the Law a retroactive Effect, which it neither had nor ought to have. He afterwards sufficiently repented this rash Step, but it was then too late; for his Enemies had reap'd all the Advantage from it they cou'd desire.

As *Pompey* and *Cæsar*, notwithstanding the Assistance which they had lent *Clodius*, were not come to an open Rupture with *Cicero*, he determin'd to address himself immediately to them, that he might know certainly what he had to depend upon. 'Tis true, he had a very great Distrust and Jealousy of *Cæsar*, but he laid a mighty Stress upon the strict Union between that great Man and *Pompey*, of whom he reckon'd himself secure.

HE was extremely deceiv'd in this Confidence. Persons of that Rank, in which *Pompey* was at that Time, measure their Affection by their Interest and Conveniency: We may rely somewhat upon their Service, so long as they are persuaded of our being willing and able to serve their Turns; take away that Persuasion, and you'll be sure to be disappointed in all their Promises.

THE

Nam prior Lex nos nihil lædebat: Quàm si, ut est promulgata, laudare voluissimus, aut, ut erat negligenda, negligere, nocere omnino nobis non potuisset. 3 *ad Att.* 15.

THE Consideration and Respect for *Cicero* was chiefly amongst the Senators and the Equites, or the Order of Knights; and even that Respect was not stedfast enough to last for ever: Whereas in the present Situation of Affairs, the Power of *Pompey* and *Cæsar*, by their reciprocal Assistance of one another, was superior to the Strength of all the opposite Party. And tho' *Cicero* might promise himself something from the Consideration the former affected to have for him, yet his Union with *Cæsar* was so closely cemented, that he cou'd not act otherwise than in Concert with him, and in Pursuance of his Suggestions.

CICERO somewhere or other acknowledges, that he had made use of all the Methods in the World to divide 'em; but that *Cæsar* being more fortunate than he, had robb'd him of *Pompey*, and by that Means had found an easier Way to his Ruin.

CÆSAR undoubtedly was more fortunate: But if Fortune had any hand in it, 'twas his own Wisdom that predispos'd and prepar'd the Effects; at least, we find in all his Conduct relating to *Cicero* such an Uniformity, as is very rare in the Course of Affairs where Chance presides, but is absolutely necessary in those,

those, which we expect to bring to their proper End by the Rules of Prudence.

I have already observ'd, that *Cæsar* had more than once endeavour'd to remove *Cicero* out of the Way by Means of several Commissions he had propos'd to him, to which he had purposely annex'd such Distinctions, as were the likeliest to engage him. *Cicero* perceiv'd these Employments were only Baits to inveigle and draw him out of the Field. Thus far he was in the Right; but to imagine therefore, as he did all along, that he was a Person very formidable to *Cæsar*, was a deceitful, insnaring Supposition, and led him into the pernicious Error of fancying, that *Cæsar* cou'd never be able to remove him, so long as he himself continu'd inflexible. (c)

He did not consider, that he who had made him such advantageous Overtures, and had even condescended to intreat him to go with him into *Gaul*, was able, whenever he pleas'd, to turn him absolutely off the Stage. He forgot, that but very lately (d) *Cato*, the inflexible *Cato* had

(c) Si tantum ille in me esse uno roboris & virtutis putaret, ut ea, quæ ipse gessit, conciderent, si ei restitisssem. *In Pison.* 79.

(d) M. Catonem interpellantem extrahi Curia per Lictores, duci; in carcerem iussit: L. Lucullo liberiùs resistenti tantum calumniarum metum injecit, ut ad genua ultrò sibi accideret. *Suet. Jul.* 20.

had been oblig'd to truckle to this formidable Master; and that *Lucullus*, the bravest Man of all the *Romans*, had submitted even to embrace his Knees, and beg his Pardon; that these two and himself being look'd upon as the principal Heads of the Senate, that is to say, of the Party, whose Subjection was the main Object and Drift of *Cæsar's* Politicks; it was not to be presum'd, that he wou'd either thro' Fear or Complaisance exact less Submission from him, than from the other Two.

IN short, there was nothing that *Cicero* had more Reason to wish for, than an Opportunity to absent himself honourably: But this Opportunity being offer'd him for that very Reason, he wou'd not embrace it; and desiring time to consider of it, which *Cæsar* construed as a Refusal, he put him under a Necessity, after so many Advances were rejected, to have recourse to other Measures.

A Proof of this may be drawn from what *Cæsar* said himself ten Years afterwards, "*That he had never been Cicero's Enemy, if he cou'd have conquer'd the Aversion, that Orator seem'd to have for him, who chose rather to expose himself to Ruin, than be oblig'd to him for his Safety.*" (e) C I C E R O

(e) Ac solet, cum se purgat, in me conferre omnem illorum temporum culpam; ita me sibi fuisse inimicum; ut nè honorem quidem à se accipere vellem. 9 ad Att. 2.

CICERO himself confesses the same Thing in one of his Orations, which he made after his Return. 'Tis in that Part of it, where he is speaking of the Offers that *Cæsar* had made him: "*I did reject them, says he, not thro' Ingratitude, but meerly thro' an invincible Prejudice. How reasonable that Prejudice was, I shall not dispute: For I am sensible many Persons, before whom I am speaking, think it inexcusable. However, they must grant me this at least, that there was a Constancy and Resolution in my Conduct upon that Occasion. For when I had it in my Power to arm my self with sufficient Strength against the Rage of my Enemies, and to repel the popular Insults and Violence with a popular Assistance, I chose rather to embrace any Fortune, to suffer the most injurious and outrageous Treatment, than either to deviate from the sacred Rules and Maxims of this House, or to derogate from my own Honour and Character.*" (f)

THIS

(f) Quæ ego omnia, non ingrato animo, sed obstinatione quadam Sententiæ repudiavi; quam sapienter non disputo (multis enim non probabo) constanter quidem & fortiter certè. Qui, cum me firmissimis opibus contra scelus inimicorum munire, & populares impetus populari præsidio possem propulsare, quamvis excipere fortunam, quamvis subire vim atque injuriam malui, quam aut à vestris sanctissimis mentibus discedere, aut de meo Statu declinare. *De P. Conf.* 41.

THIS was the Thing, that *Cæsar* cou'd not forgive *Cicero* : For he look'd upon this Attachment of his to the Senate, as the Source of all the Diffidence he testify'd of him. And tho' this Distrust of *Cicero's* was not without Foundation, it was nevertheless equally offensive and prejudicial to *Cæsar*.

* To take
him along
with him
into Gaul.

WE may conclude from these Dispositions of *Cæsar's*, that when *Cicero* address'd himself directly to him, and *Cæsar* repeated to him his former * Offers, which he had previously instructed *Pompey* to represent as suspicious to *Cicero*, his Design was only to increase his Uncertainty and Irresolution. For he had taken such Measures, and so manag'd and order'd his Affairs with Respect to *Clo-dius*, that by leaving that new Tribune to play his own Game, he not only gain'd his Point of having our Orator taken out of the Way, but at the same Time did the other the greatest Pleasure imaginable. By this Means he engag'd him to make the most effectual Acknowledgments, to do him such Offices, and make him such Returns, as he cou'd never have expected from *Cicero*, upon whose Mind he cou'd not hope to gain the same Ascendant.

POMPEY

POMPEY counsel'd *Cicero* to stay, and told him moreover; " *That none, who wish'd him well, would advise him otherwise.* He added, *That Clodius was not a Person to make such a Man as he afraid of him, neither would that Tribune attempt any thing against him; that he once more took upon himself to answer for him; and that let what would happen, he would undertake to govern him either by fair means or foul.*

CLODIUS certainly seem'd to have a great Regard for *Pompey*, either thro' Gratitude for the Service he had done him in his Adoption, or with a relative View of pleasing *Cæsar*, or lastly, because *Pompey* and he were Relations, and he had serv'd under *Pompey* in the War against *Mithridates*.

As to the Consuls, * one of them * *Gabinus* was, as I took notice before, a Creature of *Pompey's*; and considering the Confidence *Cicero* had of his Friendship, he had all the reason in the World to hope well of the other, whom he speaks of in the Fragment of an Oration, that he made in his Defence some Years after-

Dion. Hist. l. 38.

The HISTORY of

wards, as one of his old Friends. (a) “ I
 “ have always, says our Orator, “ given
 “ a particular Attention to all the Du-
 “ ties, that Friendship can challenge from
 “ a Man of Honour: But by observing
 “ all the Obligations we lie under in
 “ ordinary Friendships, I have remark’d
 “ in those, that have suffer’d any Alte-
 “ ration on either Side, and have after-
 “ wards been renewed, that the Par-
 “ ties have thenceforward carried their
 “ Attentions to a Degree of scrupulous
 “ Exactness. In those Friendships, that
 “ have never suffer’d any Interruption, an
 “ Omission or Inadvertency (for the
 “ Reproach can be extended no farther)
 “ may be excus’d even by Inadvertency it
 “ self; but after a Breach and Reconci-
 “ liation, every thing is interpreted in
 “ the worst Sense, the least Negligence is
 “ accounted a Crime, and Indiscretion is
 “ construed perfidious Treachery.

THESE Sentiments, if they had been mutual, might have been an effectual means to preserve Cicero; but Gabinius was not so delicate in his way of thinking.

(a) Ego cum omnes amicitias tuendas semper putavi,
 &c. In Fragment. Cicer. Orat.

PISO the other Consul, *Cæsar's* Father-in-Law, was of the same Family as *Cicero's* Son-in-Law, and according to all appearance liv'd in a perfect, good understanding with *Cicero*; for when the Assembly for the Election of Consuls was held, *Piso* made Choice of him to (b) superintend the first hundred, and to take Care there was no Fraud committed in their Votes; for by that Century the rest were generally regulated. And but very * lately this * On the same Consul had paid him that Defe- first day of rence in the House, as to take his Vote the Year. next after *Cæsar's* and *Pompey's*, which secur'd him the same Rank thro' the Course of the whole Year.

UPON all these Considerations *Cicero* thought he might be able to bring himself off by staying at *Rome*, as *Pompey* had perswaded him; and so made *Cæsar* his last Compliment for his Lieutenancy.

NOW he made it his Business to solicit the People to reject *Clodius's* last Proposition; and from this Time he might easily have drawn certain Presages of his

(b) Me affinem tuum, quem Comitibus prærogativæ primum custodem præfeceras, quem Kal. Jan. tertio loco Sententiam rogaras. *Post red. in Sen. in Pison. 11.*

The HISTORY of

Misfortune : For what had he not Reason to apprehend from that outrageous Madman ?

HE met him in all Places attended with a Mob of profligate Scoundrels, that serv'd him generally for a Guard, who revil'd *Cicero* and his Sollicitations, affronted and insulted him in the vilest manner, and did not stick to throw Dirt and Stones at his Person.

IT was the same (c) Gang, that *Cataline* in his Conspiracy had muster'd together, Fellows, that having neither Substance nor Honour to lose, were ready for any Enterprize under the Conduct of this new Chief, who, like the other, breath'd out nothing but Violence, Confusion and Plunder.

(d) Above twenty Thousand young Men, with *Crassus's* Son at their Head, went about soliciting in *Cicero's* Favour ; and the greatest Part of the *Roman* Knights did the same. These latter in Particular met in a Body at the Capitol, and sent a Deputation to the Senate and

Plut. Vit. Cic.

(c) Eandem illam manum ex intermortuis *Catalinæ* relliquis concitâstis. *In Pis. 16.*

(d) Pro me præfente hominum viginti millia vestem mutaverunt. *Post red. ad Q. S. Plut. Vit. Cic.*

Con-

Consuls, not only of the most eminent Persons out of their own Body, but two Senators likewise of Distinction, *Hortensius* the Orator, and *Curio* the Father, who had been Censor eighteen Years before.

(e) THE Senate held their Session in the * Temple of *Concord*, the Day these Deputies were admitted to Audience. The Purport of their Commission concern'd that noble Assembly, almost as much as it did *Cicero* himself, since he was only persecuted for having fulfill'd their Orders. They therefore immediately declar'd for him, without waiting to be entreated, and sent a Message to the Consuls (pursuant to the Resolution of the House) to engage to Oppose *Clodius's* Proceedings. We shall see by the Sequel how capable they were of that Undertaking.

* Situated between the Forum and the Foot of the Capitol.

(f) GABINIUS in his Youth had

(e) Erat eodem tempore Senatus in æde Concordiæ, cum flens universus ordo cincinnatum Consulem orabat; nam alter ille horridus & severus consultò se domi continebat. *Pro Sext.* 26.

(f) Cujus primum tempus ætatis palam fuisset ad omnes divulgatum, qui ne à sanctissimâ quidem parte corporis potuisset hominum impuram intemperantiam propulsare, qui cum suam rem——non minùs strenuè, quàm postea publicam confecisset, egestatem & luxuriam domestico lenocinio sustentavit. *Post red. in Sen.* 10. Ejus vir *Catalina.* *Ibid.* 11.

Qui, nisi in aram Tribunatûs confugisset, neq; vim Prætoris, nec multitudinem creditorum, nec bonorum proscriptionem effugere potuisset. *Ibid.* 10.

The HISTORY of

been a Pupil and Darling of *Cataline's*: From an infamous Commerce with him he proceeded to other Excesses as pernicious, if not altogether so horrible, which were attended with the entire consumption of his whole Patrimony.

HIS consequent Indigence was so far from changing his Course of Life, that he plung'd himself into immense Debts to support his Extravagances. But he would quickly have sunk under the Prosecutions of his Creditors, if he had not thrown himself into the Tribuneship of the People for a Sanctuary, which *Pompey*, whose Creature he was, procur'd for him.

POMPEY, who knew him to be grateful tho' debauch'd, had his Reasons for putting him into that Office. (g) *Gabinus* by virtue of that Post procur'd him a Commission confirm'd by a *Plebiscitum*, for carrying on a War against the Pirates, which was one of the most considerable Employments that ever was in the Commonwealth.

To judge of *Gabinus* by the Description *Cicero* has given of him, his Air, his Behaviour, and his whole Out-side

(g) Qui in Magistratu nisi rogationem de Piratico bello, &c. *Post red. in Sen.* 10.

exactly

exactly corresponded with the Soul that was within: The Sight of him was enough to let one know what he was capable of doing. He was always (*b*) painted, strongly perfum'd with Ointments and Essences, (*i*) frizzled and curl'd like a Coquet or Courtesan, and to crown all, an expert (*k*) Dancer.

PISO on the contrary appear'd quite different from what he was: For if within his House he led a Life as irregular and dissolute as that of his Colleague, yet nothing in the World could be more (*l*) austere and melancholy, more unpolished and slovenly, than he was in all his outward Appearances. He was of a very swarthy Complexion, and

(*b*) Unguentis affluens, calamistratâ comâ. *Pro Sext.* 18.
Vini, Somni, Stupri plenus, madenti comâ, composito capillo, gravibus oculis, fluentibus buccis, pressâ voce & temulentâ. *Ibidem* 12.

(*i*) Erant illi compti capilli, & madentes cincinnorum fimbriæ, fluentes cerussateque buccæ. *In Pison.* 25.

(*k*) Saltator ille *Catalina* Consul. *Pro Planc.* 87.

(*l*) Quem præteriens, cum incultum, horridum, mœstumque vidisses, etiamsi agrestem & inhumanum existimares, tamen libidinosum & perditum non dubitares. *Post red. in Sen.* 12. Idem domi quàm libidinosus, quàm impurus, quàm intemperans non januâ receptis, sed pseudothiro intromissis voluptatibus. *Ibidem* 13.

Color servilis pilosæ genæ, dentes putridi. *In Pison.* 1.

Vestitus asper, nostrâ hâc purpurâ Plebeîâ, ac propè fuscâ, capillo itâ horrido, &c. *Pro Sext.*

The HISTORY of

hairy to the very Eyes: He had staring bristling Eye-brows, rotten Teeth, and greasy Hair always in disorder: He spoke little, wore the darkeſt and coarſeſt Apparel, and was ſtill worſe accommodated with Servants than with Cloaths; he liv'd upon nothing but (*m*) groſs Meats, ill-dreſs'd and ill-ſerv'd, and knew no greater Pleaſure or Qualification than hard Drinking.

NOTWITHSTANDING all this by a certain appearance of Modeſty, by the Advantage of an illuſtrious Extraction, and by a common prevailing Opinion, that Probity and Frugality were hereditary Virtues in his Family, (ever ſince one of his Anceſtors for his extraordinary Temperance had been ſir-nam'd *Frugi*, or Thrifty) he attain'd to all the Degrees of Honours, as ſoon as he was of competent Age for them, without being poſſeſs'd of any one ſuitable Talent, without

(*m*) Extructa menſa non conchiliis aut piſcibus, ſed multâ carne ſubraucida, Servi ſordidati miniſtrant, &c. *In Piſon.* 67.

Multos ſeſellit; erat enim hominum opinioni nobilitate ipſa blanda conciliatricula commendatus, & quòd erat eo nomine, ut ingenerata familiæ frugalitas videretur. *Pro Sext.* 21.

Cùm eum præter ſimulatam verſutamque triſtitiam nulla res commendaret, non conſilium, non dicendi facultas, non Scientia rei militaris. *Poſt. red. in Sen.*

ever

ever having distinguish'd himself either at the Bar or in the Field. *Cæsar* therefore, who had married his Daughter, had no great difficulty to make him Consul.

WHATEVER Tie this new Magistrate had to *Cicero*, that, which both he and his Colleague were under to *Clodius*, was quite of a different Nature.

As the Favour of these two was absolutely necessary to that Tribune, for the carrying on of the Scheme he had projected, he had (*n*) engag'd to procure them at the expiration of their Consulship the Government of any Provinces they would choose, with the most advantageous Appendages they could desire, provided only they would agree to give him up *Cicero*.

In consequence of this Compact, *Clodius*, that he might oblige them to fulfil it on their part, as faithfully as he would on his part, immediately after the Law relating to *Cicero*, propos'd another for conferring upon *Piso* by the Peo-

(*n*) Fœdus fecerunt cum Tribuno plebis Clodio palam, ut ab eo provincias acciperent, quas ipsi vellent, exercitum & pecuniam, quantum vellent. *Pro Sext.* 24.

Promulgantur uno eodemque tempore rogationes ab eodem Tribuno de meâ pernicië, & de Provinciis Consulum nominatim. *Ibid.* 25.

ple the Government of (o) *Macedonia*, *Greece* and the adjacent Countries, and upon *Gabinus*, that of *Cilicia*, and for granting to each of them the power of making War, and of taking out of the publick Treasury whatever Money they should judge necessary to support and defray the Expences.

Now besides, as I have observ'd before, that it was not customary to assign the Consuls their Provinces before the middle of the Year, after they had nominated their Successors, (and it was now but the Month of *January*) this was a direct Infringment of the Rights of the Senate: For by a Law even of the younger (p) *Gracchus*, (the Nero of the popular Tribunes) not only the right of nominating the Governors of the Provinces, which that Body had been time out of Mind invested with, was recogniz'd and confirm'd, but the whole Power

(o) *Lege ea omnis erat tibi Achaia, Thessalia, Athenæ, cuncta Græcia addicta: Habebas exercitum tantum, quantum non tibi Senatus, aut populus Romanus, sed quantum tua libido conscripserat: Ærarium exhauseras. In Pison. 37.*

Quis illam optimam fertilemque Syriam, quis bellum pacatissimis gentibus inferendum, quis pecuniam ad emendos agros constitutam ex Cæsaris rebus actis? *Pro Domo 23. Pro Sext. 55. In Pison 37.*

(p) Tu provincias Consulares, quas C. Gracchus, qui unus maximè popularis fuit, &c. *Pro Domo 24.*

was likewise left to them of changing the Governors, whenever they were displeas'd with their Administration.

AND, what is still more singular and surprizing, those Governments were not then in any body's Power to confer, the Senate having dispos'd of them already. I never indeed could find in whose Favour it was done, or for what reason they had anticipated this Nomination; all that I know is, that the Senate had actually appointed other Governors for the Provinces of *Macedonia* and *Cilicia*.

BUT if this Power had really belong'd to the People (as the Tribunes pretended it did, and as in effect they had exercis'd it sometimes) they should have been satisfied with nominating the two Consuls for the Government of those Provinces at the Conclusion of the Year, and for the rest should have left it to them to decide between themselves, either by Lot or by Consent, to which of the two this or that Province should be allotted.

CLODIUS did not only neglect the Observation of this Rule, but he pro-

Eas Lege Semproniâ per Senatum decretas rescidisti extra ordinem, sine sorte nominatim dedisti. *Pro Domo* 24.
ceded

ceeded in the matter with so much Precipitation, that he had like to have imbroil'd himself with *Piso* and *Gabinus*, for want of a right understanding with one another. For (r) *Gabinus* on one side was not content with *Cilicia* (instead of which this Tribune was oblig'd to procure him *Syria* with a Commission to make War against the *Parthians*) on the other side several People of *Greece*, that *Cæsar* in his late Consulship had acknowledg'd to be free, found themselves made subject to the Government of *Piso* by this same Law that chalk'd him out the extent of his Jurisdiction. Lastly, the Sums of Money, that were granted to the Consuls by this Law for defraying the Expences of their Wars, were assign'd upon Funds, which had been previously appropriated by *Cæsar* to the purchasing of Lands, which he by his *Agrarian Law* had engag'd himself to distribute among the People.

Piso, (s) when the Deputies from

(r) Cui quidem, cum Ciliciam dedisses, mutaſti pactio-
nem, *Gabinio*, pretio amplificato, *Syriam* nominatim dediſti
— *Pisoni* nonnè nominatim populos liberos multis Sena-
tus-Consultis, etiam recenti Lege Soceri ipſius liberatos?
&c. *Pro Domo* 23. *Pro Sexto* 55. *In Pison*. 37.

(s) Alter ille horridus & ſeverus conſultò ſe domi
continebat. *Pro Sexto* 26.

the *Equestrian Order* came before the Senate, was not present, whether thro' Indisposition (as was often the case with him) or on purpose to observe Measures with *Cicero*, is not certain; by which Measures we are only to understand that deceitful Face, and treacherous Outside, which all perfidious People are very careful to put on, tho' they are convinc'd they can by that means neither impose upon the Party concern'd, nor the World about them.

THESE (t) Deputies threw themselves down at *Gabinus's* Feet, and were followed in that mournful Office by the whole Company. But all was in vain; *Gabinus* equally repuls'd all the World.

NINNIUS (u) that well affected Tribune, whom I have spoken of before, finding no good was to be done with the Consul by way of Submission, undertook to exert his Power and make use of the Authority that belong'd to

(t) Cùm innumerabilis multitudo bonorum de Capitolio supplex ad eum sordidata venisset, cùmque adolescentes nobilissimi, cunctique Equites Romani se ad lenonis impurissimi pedes projecissent.—*Pro Sext. 26.*

Quo vultu cincinnatus ganeo non solum civium lachrymas, &c. *Post red. in Sen. 11. Pro Sext. 26.*

(u) Cùm, vestris precibus à latrone illo repudiatis, vir incredibili fide, magnitudine animi, constantiâ, L. *Nomius* ad Senatum de Rep. retulit; Senatusque frequens vestem pro mea Salute mutandam censuit. *Pro Sext. 26.*

Plut. Vit. Cic.

his Office. In the first place he exhorted, the People all to go into Mourning, as upon a general publick Calamity; and upon the Representations he made afterwards to the Senate, it was resolv'd all the Members of that House should likewise go into Mourning.

CLODIUS in the mean time besieg'd the House, as it were, with his Crew of Followers, and struck such a dreadful Terror into the Senators, that several of them run out with their Robes rent and torn, as if they had been assaulted in earnest.

GABINIUS (x) too quitted the House in order to go to the Flaminian Circus, the Place where *Clodius* had conven'd the People.

THERE this Consul was call'd upon by *Clodius* to declare his Sentiment of the Law in Question; to which Demand he made the following Answer, "*That for his part he had always been an Enemy to all Cruelty.*" He then proceeded to harangue the People upon

(x) Exanimatus evolat ex Senatu. *Pro Sext.* 28.

Cum verò in Circo flaminio non à Tribuno plebis Consul in concionem, à latrone archipirata Consul productus esset, quod in Cives indemnatos esset animadversum, id sibi dixit gravis autor vehementissime displicere. *Post red. in Sen.* 12.

that

that Subject, and had the Assurance to add farther; "*That (y) they were extremely mistaken, if they thought the Senatorian Authority was of any moment at present, that the time was now come to avenge those that had been terrified under Cicero's Consulship.*"

HE then banished two hundred Miles from Rome (z) *L. Ælius Lamia*, a Knight, for having signaliz'd himself amongst the other Deputies of his Order, who solicited in behalf of *Cicero*.

As for *Clodius*, he oblig'd *Hortensius* and *Curio*, who were at the Head of the Equestrian Deputies, to come before the People, and answer for their Conduct: And as soon as ever they appear'd, all the Mob of that Tribune's Party fell upon them, beat them with their Fists, cut them with their Swords, and pelted them with Stones. (a) *Hortensius* for his part narrowly escap'd with his Life.

(y) Errare homines, si etiam tùm Senatum aliquid in Rep. posse arbitrarentur; Equites verò Romanos daturos illius diei pœnas quo, me Consule, cum gladiis in clivo Capitolino fuissent; venisse tempus iis, qui in timore fuissent, ulciscendi se. *Pro Sext.* 28.

(z) *L. Lamiam* equestris ordinis principem in concione relegavit, edixitque ut ab urbe abesset mille passus, quòd esset ausus pro amico deprecari. *Pro Sext.* 29. *Post red. in Sen.* 11.

Qui adesse Adolescentes nobilissimos, Equites Romanos deprecatores Salutis meæ jusserit, eosque operarum suarum gladiis & lapidibus objecerit. *Pro Sext.* 27.

(a) Vidi hunc ipsum *Q. Hortensium* penè interfici servorum manu, cum mihi adesset, *Pro Milon.* 37. Ano-

(b) Another Senator, a Person of great Worth, call'd *C. Vibienus*, that was along with him, was so terribly maul'd that he died a few Days afterwards. *Gabinus* laid it to all their Charge, as a great Enormity and Misdemeanor, to engage themselves in such a Deputation.

Piso coming amongst them during these Transactions, *Clodius* summon'd him, as he had done his Colleague, to declare his Opinion of the Law before all the People; *Piso* answered, (c) "*That he had always been too great a Lover of Clemency, to approve of such inhuman Actions as that Law condemn'd.*"

CLODIUS took this (d) Opportunity, whilst the People were assembled, and the Consuls present, to get his other Law pass'd, which prohibited the Observation of the Heavens, upon all those Days, on which the Magistrates

(b) Qua in turba *C. Vibienus* Senator cum hoc cum esset una, ita est mulctatus, ut vitam amiserit. *Pro Milon.* 37.

(c) Tu es ausus in Circo flaminio productus cum tuo illo pari dicere, te semper misericordem fuisse. *Post red. in Sen.* 16.

Respondes crudelitatem tibi non placere. *In Pison.* 14.

(d) Iisdem Consulibus sedentibus atque inspectantibus lata Lex est, ne auspicia valerent, neque obnuntiaret, neque legi intercederet, ut omnibus fastis Diebus legem ferri liceret. *Pro Sext.* 33.

could lawfully treat with the People : This pass'd without any difficulty, since *Ninnius*, by *Cicero's* own Consent, declin'd the Opposition he had intended to make.

THIS Method of Opposition being for the future forbidden to Augurs, as well as Consuls (who by the way had no great Inclination to make use of it) *Clodius* immediately conven'd another Assembly without the City, to the end that (e) *Cæsar*, who was still thereabouts with the Troops which he was to take with him into *Gaul* might be present, and might impose Silence upon the Tribunes, who were the only Persons that had a right to hinder the passing of the Law, which was to be the prelude to *Cicero's* Banishment.

CLODIUS then desiring him to answer to the same Question he had before propos'd to the Consuls, *Cæsar* condemn'd the Execution of *Cataline's* Accomplices as a thing irregular, but declar'd at the same time, " *That he did*

(e) Ipse autem *Cæsar* erat ad portas, erat cum imperio, erat in Italia ejus exercitus. *Ibid.* 41.

Dion. Histor. lib. 38.

Publicandas eorum pecunias, ipsos in vinculis habendos. *Sallust. Bell. Cat.*

“ not however approve of calling any Per-
 “ sons to Account, that had been con-
 “ cern'd in it. He farther insinuated,
 “ that it was very well known what
 “ his Sentiments of the matter were, at
 “ the time of the Transaction; but that
 “ he thought it improper to speak of a
 “ thing which was done and past.

INDEED every Body knew that it was he, who first made the Motion for perpetual Imprisonment, that his Motion was presently seconded by the major Part of the Senators, who before had given their Opinion for Death, and that it certainly would have pass'd accordingly; but for *Cato*, who brought those Senators back again to their former Opinion, and so work'd upon the whole House, that they concur'd in his Judgment.

By this crafty Answer, *Cæsar* pleas'd *Clodius* in approving of his Law in its Principle, and equally favoured *Cicero*, by declaring his Sentiment against its having any Retrospect, or retro-active Effect: To speak more properly, he left *Cicero* the outward shew and appearance of Favour, and gave *Clodius* the whole Substance of it: For by approving of the Foundation and Essence of the Law, and
 giving

giving his Example to it, which undoubtedly drew after it a great many other Persons Votes, who would otherwise have been for the Negative, he effectually serv'd *Clodius*, and yet clear'd himself from the Abuse that was intended to be made of it.

IT began to be rumour'd, that (f) *Cæsar's* Acts would now be repeal'd, and his late Proceedings disannul'd.

THE Pretors in particular daily struck at them, and *Cicero's* Party in the Senate was at least considerable enough to make *Cæsar* less apparently his Enemy, and shew him that exterior Testimony of his Moderation.

BUT in Truth this Party of *Cicero's* was neither Friends active and vigorous enough for him, nor Enemies formidable enough for *Cæsar*: 'Tis more probable that great Man explain'd himself so upon that Occasion, only because it was not consistent with his Dignity or Discretion to fall in with the exorbitant Passions of a Tribune, especially

(f) Quodd acta illa, atque omnes res superioris anni labefactari à Prætoribus, infirmari à Senatu, atque à Principibus civitatis putabant, Tribunum popularem à se alienare nolebat. — *Pro Sext.* 40.

when it was sufficient for his Purpose not openly to contradict him.

As to *Cicero's* Friends, they were intimidated and frighted with the furious Menaces of *Clodius's* Faction, and the prodigious Assurance with which that Tribune proceeded to the greatest Extravagances; the most moderate of those, that were at the Helm, giving no sign all this while of Affection for our Oration.

CRASSUS contented himself with giving his Son, who was a passionate Disciple of *Cicero's*, the liberty of acting as he pleas'd, and with saying, (g) *It was the Consuls business to support Cicero.*

POMPEY, instead of performing what he had promised, thought it was sufficient for him to give fine Words and fair Speeches, tho' he never intended to fulfil them.

CLODIUS contriv'd to put a Trick upon *Pompey*, that he might entirely rid himself of the Fear that he still had up-

(g) Et Crassus à Consulibus meam causam suscipiendam esse dicebat. *Pro Sext.* 41.

Et eorum fidem Pompeius implorabat, neque se privatum causæ publicæ susceptæ defuturum esse dicebat. *Ibid.*

on him, lest he should assist *Cicero* and do him some good Offices under-hand. The Trick was this, he order'd Letters to be sent him at the very time he was at our Orator's (b) House, the purport of which was to caution him to take more care of his Person. People were suborn'd to insinuate the same thing, and to confirm his Danger to him by word of Mouth. They assur'd him that *Cicero* was dissatisfied with him (as certainly he had a great deal of Reason to be); that he had contriv'd to have an Ambush laid for him, and that in short his Life was in danger.

UPON this *Pompey*, who was extreamly tender in such Points, and easily affected with such Intimations, retir'd to his Country - Seat near *Alba*, either Mistrusting *Cicero* in Reality, or fearing that others might enterprize upon his Person under that Orator's Name, or probably thinking that under this Pretext he might abandon him with less Dishonour.

(b) Domi meæ certi homines ad eam rem compositi monuerunt ut esset cautior, ejusque vitæ à me insidias apud me domi positas esse dixerunt; atque hanc illi suspicionem alii literis, alii coram ipso excitaverunt, ut ille, cum à me certè nihil timeret, ab illis nequid meo nomine molirentur sibi cavendum putaret. *Pro Sext.* 41. *pro Demo* 28.

Plut. Vit. Cic.

The HISTORY of

HIS Example was neither follow'd nor approv'd by Men of Honour; he was hunted even into his Retreat by *L. Lentulus Crus*, one of the Prætors, *L. Manlius Torquatus* the Father, *M. Lucullus*, and *Quintus Sanga*. But *Pompey* constantly excus'd himself by throwing it upon the Consuls, alledging that as he was only a private Person, he could not oppose his particular Authority against a Tribune invested with all the Power of his Office; that if the Consuls would bring *Cicero's* Affair before the Senate, he would not fail to espouse his Interest, and defend him even with his Sword to the utmost of his Power.

THIS Answer being brought back by the same Persons to the Consul *Piso*, as the Man they thought the easier of the

Nonne à te Lentulus, qui tum erat Prætor, non Q. Sanga, non L. Torquatus Pater, non M. Lucullus venit, qui omnes ad eum multique mortales oratum in Albanum obsecratumque venerant ne meas fortunas defereret cum Reip. Salute conjunctas, quos ille ad te & ad tuum Collegam remisit, ut causam publicam susciperetis, ut ad Senatum referretis, se contra armatum Tribunum plebis sine Consilio publico decertare nolle, Consulibus ex Senatus-consulto Remp. defendentibus se arma suscepturum. *In Pison. 77.*

two to work upon, he answered (i),
 " That there was no Necessity of having
 " Recourse to forcible means, that Cice-
 " ro had nothing to do but to quit Rome
 " and retire in order to save the Com-
 " monwealth, if they thought it in Dan-
 " ger, that for his Part he was not so
 " brave, as Torquatus (one of those he
 " was speaking to) and Cicero had shewn
 " themselves to be in their Consulships,
 " and that in short neither he himself,
 " his Colleague, nor his Son-in-Law,
 " Cæsar, would abandon Clodius.

SUCH ambiguous Proceedings (to say
 no worse of them) as those of Pompey
 and Crassus were, could not fail in the
 long run to make the World believe the
 Reports, which Clodius, to discourage
 Cicero's Friends, continually publish'd in
 all Companies and Assemblies, (viz.) That
 " whatever he did was in Concert with
 " the above-mentioned Persons, and that

(i) Sed Torquatus præter cæteros furebat contumacia re-
 sponsi tui, te non esse tam fortem, quàm ipse Torquatus
 in Consulatu fuisset, aut ego, nihil opus esse armis aut con-
 tentione, me posse iterùm Remp. servare, si cessissem, in-
 finitam cædem fore, si restitissem, deinde ad extremum
 neque se, neque generum, neque collegam suum Tribuno
 Plebis defuturum. *In Pison.* 78.

Nisi Cn. Pompeio adjutore, M. Crasso adjutore, quæ fa-
 ciebat facere clamaret. *De Har. resp.* 47.

“ he should do nothing thence-forward
 “ but by their Advice, and with their
 “ Assistance.

HE scrupl'd not to say, that in order to bring the Senate to Reason, he would command *Cæsar's* Army, which then lay at a little distance from *Rome*, to march into the City. He boasted openly that he had *Pompey's* Person, and *Crassus's* Wealth at his Disposal, supposing it were necessary to augment the Troops. For *Clodius* did not talk of impeaching *Cicero*, or of proceeding against him in a legal way; he utter'd all his Menaces with a military Tone, and spoke of nothing but Armies, Attacks, and Engagements.

CICERO'S Friends were heartily afflicted at these Discourses, and he himself was the more concern'd at them, because they were not denied or contra-

Nisi exercitum C. Cæsaris signis infestis in Curiam se immissurum minitaretur. *De Har. resp. 47.*

His se tribus autoribus, in consiliis capiendis adiutoribus, in re gerenda esse usurum dicebat, ex quibus unum habere exercitum maximum, &c. — Nec mihi ille iudicium populi, nec legitimam aliquam contentionem nec disceptationem, aut causæ dictionem, sed vim, arma, exercitus, imperatores, castra denuntiabat.

dicted.

dicted. (i) " *It was not the Discourses
 " themselves, says he, that afflicted me:
 " It was the Silence of those Persons,
 " upon whose Inclinations they were found-
 " ed; who, tho' they had their Reasons
 " at that time for not speaking their
 " Minds openly, yet plainly declar'd them-
 " selves even when they said nothing:
 " their not disowning nor contradicting
 " of what was imputed to them was a
 " tacit Confession, and a sufficient Confir-
 " mation of the Truth of it.*

CLODIUS added Deeds to his Words, and list'd Slaves in the open Market-place of Rome, under the Eyes of the Consuls; he rais'd other Levies in all the Parts of the Town, under Pretence of forming the Regiments, which he had order'd to be re-establish'd; he publickly stor'd the Temple of *Castor* * with Arms, which

(i) Me verò non movit illius oratio, sed eorum taciturnitas, in quos illa oratio tam improba conferebatur.

Qui tùm, quanquàm ob aliam causam tacebant, tamen hominibus omnia timentibus tacendo loqui, non inficiando confiteri videbantur. *Pro Sext.* 40.

Cùm in Tribunali Aurelio conscribebas palàm non modò liberos, sed etiam servos ex omnibus vicis concitatos, cùm edictis tuis tabernas claudi jubebas, cùm arma in ædem Castoris comportares, cùm verò gradus Castoris convellisti ac removisti, homines ab ejus Templi aditu atque ascensu repulisti, &c. *Pro Domo* 54.

Pro Sext. 34. *In Pison.* 11. 23. *Post red. in Sen.* 11.

stood in the same Place, because it was there he intended to assemble the People; he caus'd the Steps of the Temple to be demolished and taken away, to render it the less accessible, that no Body might be able to go in or out against his Inclination; he order'd all the Shops to be shut up too, as if they apprehended a terrible Commotion; he gave out, in short, that if *Cicero* would save himself he must gain two Victories, giving to understand by that, that tho' he should get the better of him, he would still have the Consuls to deal with.

THESE (k) did indeed at the same time publish a Proclamation, enjoining
 “ *All the Senators and Knights to lay*
 “ *aside their Mourning-cloaths, and wear*
 “ *their common Apparel,* giving them leave to mourn in secret, if they were afflicted.

THE Noise of so cruel a Persecution being spread all over *Italy*, there was not

(k) Subito edicunt duo Consules, ut ad suum vestitum Senatores redirent. *Pro Sext.* 32. Cùm Senatus Equitesque Romani flere pro me, ac mutatâ veste vobis supplicare, edictis atque imperiis vetarentur. *Post red. ad Q.* *Post red. in Sen.* 11. *pro Domo* 55. *pro Plancio* 87.

a (1) City, great or small, not a Community, or Company of any kind whatsoever, but what by some publick Act or other declared for *Cicero*.

IN this state of Affairs our Orator sent *Piso*, his Son-in-Law, to *Pompey* to make the last Request of his Protection, not being yet persuaded that he was betray'd, and afterwards went to him himself. But *Pompey*, who was determined not to assist him, apprehended he should not be able to bear his Presence, and therefore, as *Cicero* came in at one Door, he went out at another. So that *Cicero* was oblig'd to have Recourse to the Consuls, notwithstanding their Disaffection.

PISO told him frankly without any Equivocation, "*That Gabinius was utterly ruin'd in his Fortune, and must of necessity become a Bankrupt to his Creditors, if he had not some good Government or other, which might enable him to retrieve his Affairs; that he, Ga-*

(1) Nullum erat Italiae municipium, nulla colonia, nulla praefectura, nulla Romae societas vectigalium, nullum collegium aut concilium, aut omnino aliquod commune concilium, quod tum non honorificentissime decrevisset de mea salute. *Pro Sext.* 32. 25. *in Pison.* 41. *Plut. vit. Cic.*

Mihi verò ipsi coram genero meo propinquo tuo quæ dicere aususes? Egere, foris esse Gabinium sine Provinciâ stare non posse. *In Pison.* 12.

binius,

The HISTORY of

“ binus, could have no such Expectations
 “ from the Senate, whereas Clodius had
 “ procur'd him one from the People, up-
 “ on Condition only, that they two would
 “ not thwart his Measures; that in such
 “ Circumstances as these, he thought
 “ himself oblig'd to shew that Regard
 “ to his Colleague, and that he, Cicero,
 “ had shewn a more extraordinary Con-
 “ sideration for his, when he would not
 “ involve him in the Affair of Cataline's
 “ Conspiracy, tho' he was well assur'd
 “ he was one of the Accomplices; that
 “ it was therefore in vain to apply to
 “ him or to Gabinus, that every body
 “ considered his own Interest, that in
 “ short he thought it most adviseable
 “ for him to retire, and prevent the Di-
 “ sturbances that must inevitably happen,
 “ if he determin'd to put himself into a
 “ Posture of Defence.

As for Gabinus, he advis'd him to stand his Ground, whatever might be said to dissuade him from it.

Te spem habere à Tribuno Plebis, si tum consilia cum illo conjunxissem, à Senatu quidem desperasse; hujusmodi cupiditati obsequi, sicuti ego fecissem in Collegam meum; nihil esse quod præsidium Consulum implorarem; sibi quemque consulere oportere. *In Pison.* 12.

IT is not easy to assign the true Reason of this Contrariety in the Consuls Persuasions. Perhaps the latter took it for granted, that *Cicero* would not regard his Counsel: Or perhaps (which seems to be the most probable) as all these things were done in Concert with *Cæsar* and *Pompey*, the two Consuls affected to speak in their Language.

CICERO'S Friends too on their side were wavering and fluctuating in their Judgments, and divided amongst themselves in their Opinions. *Lucullus* and *Ninnius* thought it best for our Orator to stay; *Hortensius*, *Cato*, and the major Part of the rest were of the contrary Sentiment; and this *Cicero* himself was most inclin'd to.

HE considered, " that after having
" in his Consulship preserv'd the Com-
" monwealth without ever quitting his
" Consular Robes, it would not become
" him now he was only a private Person,
" to give Occasion for civil Commoti-
" ons on account of his particular Interest,
" which he must unavoidably expect to
" see, if he determin'd to stand his

“ Ground; that he could not even con-
 “ quer without exposing great Numbers
 “ of good People to the Hazard of perish-
 “ ing with him; that tho’ *Clodius* should
 “ dye in the Contention, yet the Death
 “ of that Enemy would not put an End
 “ to the Confusions, as he himself had
 “ boasted that he had his Avengers ready
 “ at hand, no less powerful than the
 “ two Consuls; that if on the contrary
 “ he himself should fall, it would either
 “ be after a vigorous Resistance (sup-
 “ posing all those that had declar’d for
 “ him kept their Words) or he would
 “ be deserted by his Friends, which would
 “ be an everlasting Reproach to his Me-
 “ mory; that in the Situation things were
 “ then in, his Death would certainly go
 “ unreveng’d, which would be a misera-

Quibus ego rebus objectis cum mihi privato confligen-
 dum viderem, *Sc. Post red. in Sen.* 31. Nolui, cum
 Consul communem salutem sine ferro defendissem, meam
 privatus armis defendere. *Ibid.* 33. Quod si, ut fortissi-
 mis viris placuit, vi & armis contra vim decertare voluis-
 sem, aut vicissem cum magna internecione improborum,
 sed tamen civium, aut interfectis bonis omnibus, quod illis
 optatissimum erat, una cum Rep. concidissem. *Pro Domo* 63.

Quod denique erat dubium, quin ille sanguis tribunitius,
 nullo praesertim publico consilio profusus, Consules ultores
 & defensores esset habiturus, cum quidem in concione dix-
 isset, aut mihi semel pereundum, aut bis vincendum. *Pro*
Sext. 43.

“ ble

" ble Omen to Posterity, enough to inti-
 " midate all good Citizens for ever, that
 " should happen to come into the same Cir-
 " cumstances he had been under in the Time
 " of his Consulship, and to deter them from
 " ever exposing themselves, as he had
 " done, for the Safety of their Countrey;
 " that it was true, what way soever he
 " should chance to die, before he had
 " recovered his Honours, his Destiny
 " would always for the future produce
 " that pernicious Effect, but much more
 " so, if he did not resolve to with-
 " draw himself till the Storm, which
 " could not last long, were blown over;
 " that he might rest assur'd, he would
 " quickly be recall'd, considering the
 " Hardship and Injustice of his Case, as well
 " as his Usefulness to the State; that the

Vinci autem improbos à bonis fateor fuisse præclarum,
 si finem vincendi eum viderem, quem profectò non vide-
 bam. Ego tantis periculis propositis cum si victus essem
 interitus Reip. si vicissem, infinita dimicatio pararetur,
 committerem, ut idem perditor Reip. nominarer, qui ser-
 vator fuisset. Si tum illorum impiorum manu ac ferro
 concidissem, i perpetuum Resp. civile præsidium salutis suæ
 perdidisset.

Quin etiam, si me vis aliqua morbi aut natura ipsa con-
 sumpsisset, tamen auxilia posteritatis essent imminuta, quòd
 peremptum esset meâ morte id exemplum qualis futurus in
 me retinendo fuisset Senatus populusque Romanus. *Pro Plan-*
cio. 88, 89, 90.

" History

“ History of his Fortune would be an
 “ instructive Lesson to all those, that
 “ should chance to come under the same
 “ Dilemma; it would excite and animate
 “ them to imitate his Intrepidity on
 “ one hand, in saving his Country, and
 “ his heroick Patience on the other,
 “ in suffering Persecution for so glori-
 “ ous a Cause, without Resistance and
 “ without Despair.

AFTER such a formal Declaration
 as this, 'tis not to be perceiv'd how *Di-*
on could say, our Orator had determined
 to stand upon his Defence, and had put
 himself into a Posture of repelling Force
 by Force, when *Hortensius* and *Cato*
 brought him over to a more pacifick
 Disposition: 'Tis true indeed, they did give
 their Opinion for his withdrawing; but that
 was not in a Council of War, it was not,
 I mean, upon any debating of the Questi-
 on, whether he should face the Enemy
 or not. This appears very evident from
 what I have just copied after *Cicero* him-
 self. No body could be farther than he

Videbam vivo Senatu populoque Romano celerem mihi
 fore cum summa dignitate reditum. *Pro Domo* 64.

Videbam, si causam publicam mea mors peremisset, ne-
 minem unquam fore qui auderet suscipere contra improbos
 sives Reip. salutem: itaque, &c. *Pro Sext.* 49.

was

was from attempting to resist so general an Insurrection of all the Populace of *Rome* and the Country round about: There's no probability nor appearance that he had made any Preparations for it.

AND truly when I look upon our Orator in this Light, where he shews himself plainly to every body that will take the Pains to examine his Disposition, (laying aside the Prejudice of those that paint him with a Firmness and Steadiness of Soul, as great as the Elevation and Sublimity of his Genius, and would have the World think him as valiant as he was eloquent) I am convinc'd he was struck with an Apprehension of the Danger, that hung over his Head, and that his Fears even magnified it beyond its just Dimensions; and that if he particularly consider'd any thing of what I have related above from his own Testimony, it was the Necessity he should be brought under, either of owing his Preservation to those that should engage in his Defence, or of finding himself basely deserted in the critical Minute, that should determine his Destiny.

A GOOD Man, who has Friends that are dear to him, cannot consent

K

in

The HISTORY of

in his own Mind to expose them to such severe Trials: Not that he directly fears they will desert him; but he does not care even to see them under a Temptation of violating their Friendship. Self-love, upon such Incidents and Occasions as these, figures to its self and presages a Mortification, of which the very Idea is insupportable. I don't know whether we ought in Prudence ever to let things come to such an Extremity: For if our Friends do fail us in such a Juncture, we are then left naked and single, destitute of all Succour, and at the Mercy of the greatest Insults and Indignities.

Who would not in such Circumstances choose to die rather than to live in so miserable and painful a Perplexity? So *Cicero*, as he himself tells us, was determin'd to die by his own Hands, and had certainly executed that Resolution, if his Friend *Atticus* had not prevented him. I am the more inclin'd to believe him, because, I think in such a Situation, as his then was, a *Pagan* might do it without any extraordinary Efforts of Nature or uncommon Degree of Resolution; but as *Cicero* was not reduc'd to such an Extremity as to have no middle Way left, nothing to choose but either to die, or to betotally abandon'd,

don'd, nor indeed to such a Condition as to make Death the most glorious Expedient for him, and that he could not without Dishonour yield to the Prayers and Importunities of his Friend, the Representations of others, and the Tears of his Family; since he was not, I say, under such an unhappy Dilemma as this, he determined at last to keep his Life, and preserve it from Danger by a speedy Retreat.

AFTER *Cicero* was come to this Resolution he accepted a Present from his Friend *Atticus* of two thousand five hundred * Sesterces; afterwards he took a Statue of *Minerva*, for which he had long had a singular Veneration, carried it to the Capitol, there consecrated it with this Inscription, *To Minerva the Protectrix*; and left *Rome* immediately accompanied with the most faithful of his Servants, a Part of his Friends, and a great Number of good People, who could not refuse their Tears, upon so moving and melancholy a Spectacle.

Ciceroni in omnibus ejus periculis singularem fidem præbuit, cui ex patria fugienti L. L. S. C. C. & quinquaginta millia donavit. *Corn. Nep. Att. vit.*

Plut. vit. Cic.

K 2

This

* About
4000 l.
Sterling.

N. B. The
Author
seems to be
mistaken
both in the
Sum of
Roman

Money and
in his Com-
putation of
it into
French
Money.

for if it
was 2500
small Ses-
terces, as
it appears
in the *La-
tin* Quota-
tion, that
makes but
250 great
Sesterces,
instead of
2500; and
that again
makes but
about

2000 l.

Sterling, or

10000

French

Crowns

instead of

20000.

The HISTORY of

This was towards the middle of the Night in the latter end of *March* the Year 695.

HIS (*m*) Wife, Son and Daughter did not go along with him. They only went to some Distance from *Rome* five or six Days afterwards, and spent most of the time of his Exile in the Country, conceal'd sometimes with one Friend, and sometimes with another, to shelter themselves by that itinerant Life from the Rage of their common Enemies.

As soon as *Cicero* disappear'd, *Clodius*, elated with Pride and Joy for his Departure, immediately assembled the People in the Temple of *Castor*, where after having distributed considerable Sums of Money by the hands of the Deputies of one *Brogitarus*, whom I shall have occasion to speak of in the Sequel, he went down to the open Place, attended with his seditious Multitude of Slaves and Vagabonds, that were always at his Devotion, drove

(*m*) Conjugis miseræ squalor & luctus, atque optimæ filiae moeror assiduus, filique parvi vagi singultus desiderio mei lachrymæque pueriles aut itineribus necessariis, aut magnam partem tectis ac tenebris continebantur. *Postred. ad Q. 8.*

away all well affected Citizens with Stones, Clubs, and Swords, and then propounded a new Law against our Orator more formal than the precedent one, tho' it was but a kind of Sequel or Appendix to it.

ONE single Observation will be sufficient to give us an Idea of the Quality of the Persons that made up that Assembly. It was a Custom always to express in their Laws the Name of that particular Person, who first voted for the passing of each Law. 'Tis natural to imagine, that whoever had that Honour was one of the most considerable Freemen; yet he, that according to Custom was nam'd in this Law, was a Vagrant, of whom we know nothing more than that his Name was *Sedulius*; and even he has since denied that he was present, or that he was in *Rome* upon that Day.

THIS new Bill of *Clodius's* was drawn

Consulari homini Pub. Clodius civitatem adimere potuit conductis operis non solum egentium, sed etiam servorum, Sedulio principe, qui se illo die confirmavit Romæ non fuisse. Quod si non fuit, quid te audacius, qui nè ementiendo quidem potueris autorem adumbrare meliorem? sin autem is primus scivit, quod facile potuit propter inopiam tecti in foro pernoctans, cur, &c. *Pro Dom. 80.*

The HISTORY of

up in these words: *For as much as Cicero did cause several Roman Citizens to be put to Death without an Ordinance of the People, and without any Form of Justice, and did for that end produce false and spurious Senatus-consulta, or Orders of the Senate, May it please you to ordain, and be it ordain'd accordingly, that he has been forbidden the use of Fire and Water; that it may not be lawful for any Person whatsoever to give him Harbour or Shelter; that if any body presumes so to do, it may be lawful to kill both Cicero, and the Person with whom he shall be found; that no body shall have liberty to propose to the Senate to have him recall'd; that if any body shall act contrary to this Prohibition, no Member of that House may give his Opinion by word of Mouth or otherwise, upon the Proposition that shall be made, nor subscribe to any thing that may be resolv'd upon in his Favour, till those Persons,*

Quod M. Tullius falsum Senatus-Consultum retulerit. Pro Domo. 50.

Velitis, jubeatis, ut M. Tullio aqua & igni interdicatur: non tulit, ut interdicatur; quid ergo? Ut interdictum sit. Ibid. 47.

that

that he put to Death, are return'd from the other World.

SEXTUS CLODIUS was the Person appointed by his Master to draw up this Bill, as I have recited it; no body but that abandon'd Wretch caring to have a hand in it, except *Vatinius*, who made his Boasts that he had help'd to digest it, and was the only Senator that seem'd to approve of it.

BUT whoever was the Person that fram'd it, the Bill was equally strange, both in the Substance and the Circumstances.

IT was a thing expressly forbidden by one of the Articles of the twelve Tables to make any private Laws, *that is to say*, any Laws, that should only regard particular Persons; and by another it was likewise forbidden to proceed

Meus inimicus promulgavit, ut si revixissent ii, quos hæ pœnæ deleverunt, tunc ego redirem. *Post red. in Sen. 4. 25.*

Hanc tibi legem Sex. Clodius scripsit. *Pro Dom. 47.*

Inveniebatur nemo, qui se suffragium de me tulisse confiteretur. *Pro Sext. 68.*

Vatinius se sic cum inimico meo copulaverat, ut meæ proscriptionis, quam adjuvabat Sex. Clodius. homo iis dignissimus quibuscum vivit, tabulam esse, se scriptorem diceret. Ille unus ordinis nostri discessu meo luctu vestro palam exultavit. *Pro Sext. 133.*

capitally, or give Sentence of Death against a *Roman* Citizen any other way than by their grand * Assemblies. " *They*
 * Comitia centuriata. " *did not then know the Tribunes of*
 " *the People, says Cicero upon that*
 " *subject, they did not so much as think*
 " *of them. This was an excellent Pro-*
 " *vision and Fore-sight of our Ancestors,*
 " *adds he. They would have no private*
 " *Laws made, nothing enacted against*
 " *particular Persons; for what Inven-*
 " *tion in the World is more unjust than*
 " *that pretended Privilege? as it is of*
 " *the Essence of a Law, that its De-*
 " *crees and Injunctions should serve as*
 " *general Rules for the whole Body of*
 " *a People, they rightly judg'd, that no-*
 " *thing ought to be enacted against a*
 " *particular Person, unless in the grand*
 " *Assemblies by hundreds, where the*
 " *People being rang'd in distinct Classes,*
 " *according to their Ages, Ranks and*

Vetant leges sacratae, vetant 12 Tabulae leges privatis hominibus irrogari. *Pro Dom.* 43.

De capite civis nisi per maximum Comitiatum, illosque quos Censores in partibus Populi locassint, ne ferunto 3. *de Leg.*

Nondum inventis seditiosis Tribunis plebis, ne cogitatis quidem: Admirandum, tantum majores in posterum providisse! in privatos homines leges ferri noluerunt.

Abili-

" *Abilities, deliberate with more Ma-*
 " *turity, and give their Votes with more*
 " *Judgment than they can possibly do,*
 " *when they are confusedly assembled*
 " *by Tribes.*

IT appears by this very Place, where Cicero calls his Banishment to Remembrance, that if the Law which appointed it, was agreed to by the People, it was only in one of those Assemblies, where they came together by * Tribes, and where it was impossible to prevent Confusion by reason of the Multitudes of People of all sorts, that mixt and crowded amongst them, especially at a time when no body durst take upon him to prevent Disorder.

* Comitia
tributa.

THUS Cicero was neither cited, nor summon'd, nor properly accus'd; so far was he from being legally condemn'd: But had the manner of their Proceeding been never so regular and authen-

Id est enim privilegium, quo quid est injustius? Cùm legis hæc vis sit, scitum esse & justum in omnes; ferri de singulis nisi Centuriis comitiatis noluerunt: Descriptus enim populus censu, ordinibus, ætatibus, plus adhibet ad suffragium consilii, quàm fuscè in Tribubus convocatus. 3. de Leg.

Ne nisi prædicta die quis accusetur, &c. Pro Dom. 45.

Quid indignius quàm, qui neque adesse sit jussus neque citatus, neque accusatus, de ejus salute, liberis, fortunis omnibus conductos & sicarios legem ferre? Ibid. 46.

tick,

tick, yet the Law it self would nevertheless have been unjustifiable, the Motive therein specified being so manifestly false. For all the World knew that the *Senatus-consultum*, or order of the Senate, which *Cicero* recited to the People at the time of executing *Cataline's* Accomplices, was the same genuine Order that the Senate had decreed: And the late Steps which that Body had taken in *Cicero's* Favour, was such a new Proof of this Truth, as nothing could overthrow.

THE Form and Tenor of the Bill was likewise very new and extraordinary, *May it please you to ordain, that he has been forbidden, &c.* It being equally ridiculous and absurd to ordain, that a thing has been done.

IT is not certainly known what Reason induc'd *Clodius* to change the common Form, *May it please you to ordain that he may be forbidden, &c.* Was it that *Cicero* had already banish'd himself, when this Law was propounded, and

Satisne tibi videtur à Senatu judicatum, me non modò non ementitum esse auctoritatem hujus ordinis, sed etiam unum post urbem conditam diligentissimè Senatui paruisse?
Pro Dom. 50.

that

that therefore it was no less repugnant to good Sense to speak of a thing as to be done, which was really done already? I should rather think, that as *Clodius* was resolv'd to confirm his Banishment by some Law or other, good or bad, he thought it better to make use of those odd ambiguous Terms, than to express himself more clearly, because it was irregular and illegal to pronounce any Sentence against a Citizen, after he had banish'd himself of his own accord, as *Cicero* had done.

As to the other Part of the Form relating to the Prohibition of Fire and Water, that was agreeable to the common usual Style, in Cases of Banishment. From whence we may infer, that originally, in the primary Intention of the first Legislators, the being condemn'd to that Punishment, was, in effect, a real Sentence of Death, since it was impossible to live depriv'd of those two Elements, and that it was only by a sort of Toleration, that the Commonwealth suffer'd them to elude the Sentence by quitting their Country. Its Indulgence in this Respect was founded upon the

Qui denim diceres? Expulsum qui licuit? Pro Domo. 51.
Maxims

Maxims and Opinions of former Times, when that Change of Country was thought as terrible a Destiny as the Loss of Life, when their Attachment to their own Country was so great, that Death and Banishment were look'd upon as equivalent Punishments.

BUT that which gave the greatest of all the Nullities to this Law, was the notorious Violences that were committed to make it pass, the Menaces and outrageous Treatment that every body suffer'd, who was minded to oppose it, and the Extravagance of the Terms made use of to perpetuate the Injustice.

NOR was the use that was afterward made of the Law less violent or irregular, than the Measures that had been taken to bring it about. Tho' *Cicero's* Estate could not be liable to Confiscation, since he himself was not convicted, yet not only his noble House, situated upon the *Palatine* Hill, which he had purchased with borrow'd Money, was burnt down and raz'd to the very Ground, as soon as ever the Law was pass'd, but

Qui erant rerum capitalium condemnati non prius hanc civitatem amittebant quam erant in eam recepti, quo vertendi, hoc est mutandi, soli causa venerant. *Pro Dom. 50.*

two other Houses, which he had in the Country, were equally demolish'd. The Consuls divided the Spoil between them, according as it best suited their Conveniency. *Piso* was *Cicero's* Neighbour at *Rome*, and *Gabinus* at *Tusculum*. The House at *Rome* was publickly plunder'd by *Piso*, before it was set on Fire: He carried off every thing in the World, even the very Thresholds of the Doors and the Marble Pillars, of which he made a Present to his Mother-in-Law. *Gabinus* play'd the same Game at *Tusculum*, he took away not only the Furniture and all the beauteous Ornaments of that delightful Seat, but even the very Trees of the Garden, and the Instruments of Husbandry.

AND, what was as scandalous as all the rest, *Clodius* within an Hour after the passing of that Bill, that he might fulfil the Compact he had made with the Consuls, got the other pass'd too,

Nondum palàm factum erat cecidisse Remp. — uno eodemque tempore domus mea diripiebatur, ardebat: Bona ad vicinum Consulem de Palatio, de Tusculano ad vicinum alterum Consulem deferebantur. *Post red. in Sen.* 17.

Columnæ marmoreæ ex ædibus meis ad focrum Consulis portabantur, in fundum autem vicini Consulis non modo instrumentum aut ornamenta Villæ, sed etiam arbores transferebantur. *Pro Dom.* 62. 60.

which

which he had propos'd before in relation to their Provinces.

AFTER this there was nothing but banqueting and feasting amongst them: Then they congratulated each other, and reciprocally made their several Acknowledgments for the mutual Assistance they had receiv'd from one another in destroying their common Enemy; then were the Names of *Cataline* and *Cethegus* reviv'd and celebrated, especially by *Gabinus* and *Piso*, the former having had the Satisfaction of revenging his Lover, and the latter his Cousin.

CICERO's Daughter and Son-in-Law often went and threw themselves at *Piso's* Feet begging his Protection, or rather endeavouring to move him to some Sentiments of Compassion, but he constantly repuls'd them with the utmost Inhumanity.

Illo, inquam, ipso die, die dico, immò horâ atque etiam puncto temporis eodem mihi reique publicæ perniciēs, Gabinius & Pisoni Provincia rogata est. *Pro Sext. 53. Post red. in Sen. 17.*

Omitto gratulationes, epulas, lætitiā paucorum in luctu omnium. *Pro Sext. 54.*

Consules epulabantur & in conjuratorum gratulatione versabantur.

Cum alter se Catalinæ delicias, alter Cethegi Confobrium fuisse diceret. *Pro Dom. 62. in Piso. 22.*

N E I-

NEITHER did *Terentia*, that illustrious Exile's Consort, escape their boundless Fury: She was violently drag'd from the Temple of *Vesta*, the most sacred Place of Refuge, that was in *Rome*, and carried to the Tribunal, where her Husband's Estate was condemn'd, that the Fact might seem to be authoriz'd, as it were, by her Presence.

YOUNG *Cicero* too, who was then but about six or seven Year old, had his share of the Misfortune, and had certainly been a Sacrifice for his Father, if some Friends had not taken timely Precautions, and prevented the barbarous Design against the Child's Life. In a Word, the Persecution never ceas'd, till they had done *Cicero* all the Mischief and Injury they could possibly devise, and had so effectually ruin'd him, that he should never be able to retrieve his Circumstances.

IT was with this View they particularly fell upon his House in *Rome*, which stood in the most conspicuous Part

Vexabatur uxor mea, liberi ad necem quærebantur. Pisonem à Pisonis Consulibus pedibus supplex rejiciebatur. *Pro Sext.* 54.

Homo officiosus scripsit quemadmodum à Vestâ ad tabulam Valeriam ducta esses. 14 *Famil.* 2.

Sedebas non extinctor, sed autor incendii, & ardentes faces furiis Clodianis penè ipse Consul ministrabas.

of the Town, and which for that Reason, as well as for its Magnificence, was the noblest and finest Part of all his Estate.

THEY were not satisfied with having pillag'd, burnt and demolish'd the House; *Clodius*, who had his just by, and coveted nothing more than to aggrandize it at *Cicero's* Expence, desired the People would order one Part of the Ground to be put to Sale, (this was what he coveted to have for himself) and the other Part, because no Foundations in those Days were so unalienable as those of Religion, he beg'd leave to consecrate.

OF all the Irregularities that were committed, the granting of this Commission was the most abominable; because it was a thing expressly forbidden by several * Statutes, that any Authors of Laws, their Colleagues, Kindred or Relations should have any hand in their Execution, for fear they might be tempted to introduce unequitable Laws, thro' the prospect of their own private Interest.

* By the
Licinian
and Ebu-
tian Laws.

HOWEVER the People, or to speak more properly, *Clodius's* Faction, which had then got the Superiority in all Af-

Et homo religiosus, cum ædes meas idememeret & venderet, tamen non est ausus suum nomen emptioni illi adscribere.

semblies, granted his request without any hesitation. Immediately this Tribune caused Proclamation to be made of the Sale of the Ground, the Purchase of which was just to retain the Property so long, as till a Conveyance could be made of it to *Clodius*. Undoubtedly it was for this reason, that no body appear'd but a poor Wretch from the Country of the *Marfi*, call'd *Strato*, a Fellow that had neither House nor Home, nor any visible Subsistence, consequently not capable of making any the most inconsiderable Purchase.

CLODIUS made Preparations for building upon this Place a pav'd Piazza, Three hundred Paces in Circumference, in the Form of a * Peristyle, which would have made his the most spacious and magnificent House in *Rome*.

* An oval Covert, encompass'd with Galleries, and supported with Columns.

On one side of that part of the Place, which he intended to consecrate, there stood another Piazza or Portico, which was made use of as a publick Walk, and

Posuit scilicet Stratonem, illum hominem sine virtute egentem, ut is, qui in Marfis, ubi natus est, tectum, quod imbris vitandi causâ succederet, nullum haberet, ædes in Palatio nobilissimas emisse se diceret. *Pro Dom. 116.*

Porticum cum conclavibus pavimentatum trecentum pedum concupierat, amplissimum Peristylum faciliè ut omnium domos laxitate & dignitate superaret. *Ibidem.*

L

was

The HISTORY of

was call'd *Catulus's* Portico, from the Name of *Q. Lutatius Catulus*, who had conquer'd the *Cimbri*, and built this out of the Price of their Spoils, upon the Ground-Plot of the famous Incendiary *Flaccus's* House, who was kill'd with the last of the *Gracchi*.

CLODIUS caus'd this Piazza, of *Catulus's* building, to be entirely pull'd down, and a new one to be erected, which was much more spacious, and took up both Places; as if the two Houses of *Flaccus* and *Cicero* had been demolish'd for the same Reasons.

THEN he made Preparations for the Dedication of this new Building to *Liberty*; pretending, that was the Divinity which *Cicero* had chiefly offended by the bloody and tyrannical Executions in the Time of his Consulship: He had an Inscription likewise put up, to particularize all his Motives; wherein we may be assur'd he omitted nothing that could

Catuli Monumentum affixit, meam domum diruit. *Pro Calio* 78.

Causa fuit ambulatio & monumentum & ista Tanagraea oppressa libertate Libertas. *Pro Dom.* 116.

Tu procella Patriæ in civis hujusce ædibus & in urbe, quam suis laboribus ac periculis conservasset, monumentum deletæ Reip. collocaris, sublatq; *Q. Catuli* nomine incidaris. *Ibid.* 137.

give

give any Lustre to this glorious Exploit of his Tribuneship.

DEDICATIONS of this sort were never made but in very extraordinary Cases; nay, they were even disallow'd by several very antient Laws of the *Grecian* Commonwealths, which the *Roman* had adopted in the Time of her first Tribunes; at least we find the Examples of these Consecrations very rare, excepting a few, that had been made of the forfeited Estates of some State-Criminals.

By the very Reason of this Exception, 'tis evident, if any body ought to have been out of the reach of such Abuses, it was *Cicero*. 'Tis certainly an unparallel'd Instance, that the publick Avenger of a Crime should have the Punishment due to that Crime inflicted upon himself. 'Twill always appear a Thing very singular and extraordinary, that *Cicero*, after having been publickly styl'd and surnam'd the *Father of his Country*, for having deliver'd it from the most dangerous Enemy it ever had, should in recompence of that sig-

Ne quis agrum consecrato. 2. de Leg.

Video enim esse Legem veterem Tribunitiam, quæ vetat
 ꝑjussu Plebis ædes, terram, aram consecrare. *Pro Dom.* 127.

L. 2

nal

nal Service, be confounded with the fore-mention'd *Flaccus*, and treated more rigorously than *Cataline* himself.

THE divine Honours, which *Clodius* paid upon this Occasion to Liberty, were not the first of that nature which had been paid to it at *Rome*; where, for a long time, it had been exalted into a Divinity. About Fourscore Years before this, the Father of the *Gracchi* had erected a magnificent Temple to it, upon the *Aventine* Hill, supported with Pillars of Brass, and adorn'd with Statues of most exquisite Workmanship.

THE Statue which *Clodius* had plac'd in his new Piazza, was of Marble; but it was not so holy in its Origin, as in the Use that he made now of it. For *Cicero* has since discover'd, that it was the Figure of a certain Strumpet of *Tanagris* in *Beotia*, found in that Prostitute's Tomb, near the same City; from whence

Me Q. Catulus frequentissimo Senatu parentem Patriæ nominavit. *In Pison. 6.*

Domus M. Tullij Ciceronis cum domo Flacci ad memoriam pœnæ publicæ constitutæ conjuncta. *Pro Dom. 102.*

At unde inventa est ista Libertas? quæsi vi enim diligenter: Tanagræa quædam meretrix fuisse dicitur: ejus non longè à Tanagri Simulachrum è marmore in Sepulchro positum fuit: hoc quidam homo nobilis non alienus ab hoc religioso Libertatis sacerdote ad ornatum Ædilitatis suæ deportavit. *Pro Dom. 111.*

(as it was thought) *Clodius's* Father had brought it to *Rome*, to shew to the People amongst the other pompous Curiosities of his Edile-ship.

It was not sufficient for his Purpose, that he had extorted the People's Leave to make this Consecration; he ought previously to have consulted the Pontifices upon the Question of its Validity, and the Ceremony too ought to be perform'd by one of them. It was therefore necessary at least, that they should be invited to come and execute their Ministerial Function; and what Probability is there that the College of Pontifs, which consisted of the most eminent and distinguish'd Persons of *Rome*, should either be so ignorant, as not to know, that the Prohibition of consecrating a profane Place, could not be taken off but by an express Act of the People legally assembled, founded upon very different Motives from any that *Clodius* could alledge; or so little jealous of their own Rights and Privileges, as to attend upon so detestable a Ceremony, at the single Demand of that Tribune?

CLODIUS had made timely Provision against these Difficulties, by procuring a Place in the College for *L. Pinarius Nasta*, a half Brother of his Wife *Ful-*

via's: He prefer'd him, as young as he was, to his own Brother *Appius Clodius*, who stood Candidate for that Dignity, and was of competent Age to be admitted to it, which *Pinarius* was not; but *Clodius* had no Confidence in his Brother, no more than his Brother had in him, ever since *Clodius*, taking Advantage of his Absence, had cheated him of a part of his Patrimony.

* The Po-
titian and
Pinarian.

'TIS probable, that *Pinarius's* Ex-
traction somewhat contributed to his
obtaining the Priesthood, notwithstand-
ing the Defect of his Age. Indeed
he could not possibly be of a more
advantageous Descent, since he sprung
from one of those two famous and il-
lustrious * Families, originally Natives of
Arcadia, to which *Hercules* himself, ac-
cording to the Tradition, had committed
the Care of his Worship; and, as the
other had been a long time extinct, it
was still the greater Recommendation and
Advantage to *Pinarius*.

Quis ergo affuit? frater, inquit, uxoris meæ, etsi id est
ætatis ut nondum consecutus sit &c. qui etiam tibi erat
magis obstrictus beneficio recenti, cum se fratrem uxoris
tuæ fratri tuo germano antelatum videbat. *Pro Dom.* 118.

Si est ortus ab illis, quos memorizæ proditum est ab ipso
Hercule perfuncto jam laboribus sacra didicisse. *Pro*
Dom. 134.

CLODIUS

CLODIUS then being persuaded, for the Reason I have mention'd, that he had nothing to expect from the other Pontifs, cast his Eyes upon this young Man, whose Mother and Sister, by Threatnings and Entreaties, prevail'd upon him to officiate at this Solemnity.

Now the Pontif's principal Office, on such an Occasion, was to lay his Hands upon the Jambs or Door-Posts of the Place, that was to be consecrated, and in that Position to pronounce the Form of Dedication, with such an audible Voice, and in so distinct a Manner, that the Person, in whose Name it was made, might repeat after him word by word the whole Form of Consecration.

PINARIUS, being altogether a Novice in this Ceremony belonging to his Function, either through Bashfulness or the Treachery of his Memory, recited the Form, but very imperfectly; and
Clodius,

Affuit is, si modò affuit, quem tu impulisti, soror rogavit, mater coegit. *Ibid.* 118.

Postem teneri in dedicatione oportere videor audisse templi. *Ibid.* 121.

Qui aut nihil dixit, aut si fuit, omnino poenam hanc maternæ temeritatis tulit, ut mutam in delicto personam nomenq; præberet; aut si dixit aliquid verbis hæsitantibus, postemq; tremebundâ manu tetigit, certè nihil ritè, nihil castè, nihil more institutoq; perfecit, *Pro Dom.* 134. Quod

The HISTORY of

Clodius, who might have been more perfect in it than he, hesitating, perhaps, whether he should rectify him or follow him, knew no more what he said than the Pontif.

EVERY Blunder that either of them made, gave a Nullity to the whole Action; not to mention the strange Novelty of consecrating a Piazza, design'd for a publick Walk. However, as any thing that carries a Face of Religion, is always of great Weight, this Dedication, lame and imperfect as it was, was thought, with good Reason, to give the finishing Stroke to our Orator's Ruin; and *Clodius*, for having surmounted all the Obstacles that were in his way, was styl'd by the People of his own Cabal the Fortunate *Cataline*.

FROM this time, he look'd upon this Piazza as the Monument of his Glory,

imperitus adolescens, novus Sacerdos, ignarus, invitus, sine collegis, sine libris, sine autore, sine scriptore, furtim, mente ac linguâ titubante, ut neq; mens neq; vox neq; lingua confisteret. *Ibid.* 139.

Non poterat ullo modo non in agendo ruere ac sæpè peccare, præsertim illo Pontifice & Magistro, qui cogere-
tur docere, antequam ipse didicisset. *Ibidem*.

Ambulationis postes nemo unquam tenuit in dedicando.
Pro Dom. 121.

Quem isti Satellites tui foelicem Catalinam nominant.
Ibidem 72.

and

and as a most triumphant and magnificent Trophy. In this Place therefore a certain Villain from *Anagnia*, who was prosecuted by his Fellow Citizens for his Crimes, and releas'd and protected by *Clodius*, erected a Statue to him, in Testimony of his Gratitude.

CICERO, in the mean time, being departed from *Rome*, had made his Journey towards *Sicily*, by way of † *Lucania*, † Now called *Basilicata*, a Province in the Kingdom of *Naples* * *Montelione*, in the further *Calabria*. and was arriv'd at * *Vibo*, where he immediately desir'd his Friend *Atticus* to come to him, that he might consult with him what Place he should fix upon for his future Residence.

EVERY body knew what a strict Intimacy there was between these two, and what a particular Confidence *Cicero* had in that Friend's Counsel and Fidelity. For, tho' *Atticus* liv'd almost upon an equal Footing with all the principal Persons of the Commonwealth, without minding the Contrariety of their Interests, or declaring for any Party, yet they all knew very well, that he had a singu-

Anagnino nescio cui, qui tibi ob eam legem Statuam in meis ædibus posuit. *Pro Dom. 72.*

Plut. vit. Cic.

Te oro ut ad me Vibonem statim venias, eò si veneris, de toto itinere ac fugâ meâ consilium capere potero. 3 *ad Att. 3.*

lar

lar Regard for our Orator, that peculiar Tenderness of Affection (I mean) which distinguishes an intimate, cordial Friend, from all other ordinary Friends in the common Intercourse of Civil Society. But as the perfect Union, that was between him and *Cicero*, took its Rise from the Earliness of their Acquaintance, and an antient Communication of their Studies; and as *Atticus* was a very dispassionate Person, of singular Prudence, Moderation and Temper, no Umbrage was taken from this Friendship. They had so great an Opinion of his generous Nature and benevolent Disposition, that they were persuaded the good Offices he did for the Unfortunate, would, if the Tables were turn'd, be done even for those, that might otherwise dislike them; therefore they were neither surpriz'd nor sorry to see him take care of his absent Friend's Family, manage his Affairs, and become the Solicitor for his Return.

CICERO did not reside in the Town of *Vibo*, if we believe *Plutarch's* Account of that Matter; who tells us, that one *Vibius*, a *Sicilian*, forgetting all the Obligations he was under to *Cicero*, not only refus'd him his House, but was so extremely ungrateful and perfidious, as to forbid his Entrance into that City, though

though *Cicero* himself was the Patron of it.

OUR Orator makes no mention at all of this Particularity, which of it self is sufficient to make it doubtful, as well because he's not apt to omit any Circumstance that has a Relation to his Misfortune, as because he appointed no other Place but *Vibo* for his Friend to come to. 'Tis true, he does not say that he did reside in the Town, but somewhere near it, at the Farm-House of one *Sica* (whom I take to have been one of his own manumitted Servants;) where he tells us, he could wait as conveniently as in his own House for the Success of the Hopes, which he still cherish'd, of having some Alleviation made to the Law of his Banishment. This Farm-House was not very remote from * *Brundisium*, which * Now Brindisi. was the Place he design'd to return to, in case *Atticus* should dissuade him from pursuing his Journey towards *Sicily*.

Non habebam locum, ubi pro meo jure diutius esse possem, quam in fundo *Sicæ*, præsertim nondum rogatione correctâ.

Et simul intelligebam ex eo loco, si te haberem, posse me *Brundisium* referre. 3rd *Att.* 3.

Siciliam petivi animo, quæ & ipsa erat mihi sicut domus una conjuncta, cum ipsa pænè insula mihi sese obviam ferre vellet. *Pro Planc.* 95 & 96.

THE Inhabitants of this Island open'd their Arms to receive him ; and out of a tender Sense of his Misfortune, as well as Gratitude for his former Benefactions, they were extremely desirous to have him amongst 'em, and gave the most affectionate Demonstrations of their Attachment to his Person. *Cicero* knowing their good Dispositions thought it would be one of his greatest Consolations under his deplorable Circumstances, to be amongst them ; and if they had a filial Affection and Tenderness for him, he had reciprocally the Bowels of a Father for them.

To this Consideration, he added that of the Returns, which he had a Right to expect from *C. Virgilius*, who was made Governor of that Island at the Expiration of his Pretorship, and upon whom he concluded he might safely rely. Their Friendship had been of an antient Standing, and seem'd to be so much the more durable, as it was founded upon the Esteem and the Acknowledgments which

Et obtinebatur à C. Virgilio, quem cum me uno vel maxime cum vetustâ amicitia, tum Resp. sociat. — Quid dicam? C. Virgilio tali civi & viro benevolentiam in me, memoriam communium temporum, pietatem, humanitatem, fidem defuisse? nihil videlicet est eorum. *Pro Planc.* 96.

they

they mutually ow'd each other, for having faithfully serv'd the Commonwealth in the most difficult and dangerous Conjunctions.

" *Who would have thought, says our Orator in his Speech of Thanks to the Senate, after his Return, " that so good*
 " *a Citizen as Virgilius would, upon so*
 " *melancholy an Occasion, have been*
 " *wanting in Friendship, Justice, Com-*
 " *passion and Humanity, and would have*
 " *disappointed the Confidence I had of*
 " *him? But the Reason of it is obvious,*
 " *he was afraid he could not singly with-*
 " *stand the Storm, that had overwhelm'd*
 " *me, notwithstanding the Support of*
 " *this illustrious Assembly.*

In short, *Virgilius*, against whom *Clo-*
dius on many Occasions had publicly inveigh'd, thought fit to refuse all Refuge to *Cicero*, and was so cruel as to send to him Letters to forbid his Entrance into *Sicily*. I leave it to the Reader's Determination, whether it proceeded meerly from the Fear he had of *Clo-*
dius, or from the Jealousy he might

Sed, quam tempestatem vobiscum non tulissemus, metuit, ut eam ipse posset opibus suis sustinere. *Pro Planc. 96.*

Prætor ille ejusdem Tribuni plebis concionibus propter eandem Reip. causam sæpè vexatus, nihil amplius dico, nisi me in Siciliam ire noluit. *Ibid.*

have

have of *Cicero*, in a Country where that Orator, by his continual good Offices, might have gain'd over the Hearts of the People a much more absolute Empire, than what resulted from the delegated Power of the Senate and People, or the awful Fasces of the Pretorian Authority.

A little less Precipitation would have sav'd *Virgilius* the Shame of this dishonourable Proceeding; for at the time when he forbad *Cicero's* Entrance into *Sicily*, *Clodius*, who had prepar'd a new Bill for regulating the Distance of our Orator's Banishment, only waited for the Expiration of the Adjournment, to present it to the People.

PLUTARCH and *Dion* give different Accounts of that Distance, neither of which agrees with that of *Cicero*, who says only, that he was banish'd by this Ordinance of the People, to the Distance of above Four hundred Miles from *Rome*; whereas the former of those two Historians carries it to Five hundred, and the latter fixes it at Four hundred sixty eight. Be that Matter as it will, *Sicily* and *Malta* too (to which our Orator had some

Allata est rogatio de pernicië meâ, ut mihi ultra quadringenta millia esse liceret. 3 ad Att. 3.

Plut. Vit. Cic.

Dion. Hist. l. 38.

Melitæ esse non licebat. 3 ad Att. 3.

Thoughts

Thoughts of retiring) were both too near *Rome* now, since, according to his Account, he could not have been safe even at *Athens*.

CICERO did not stay till *Clodius* had offer'd his Bill to the People at their new Meeting; he thought himself obliged to go before it was receiv'd, lest he should expose his hospitable Friend *Sica* to the Penalties denounc'd against all Persons that should harbour or entertain him.

HE therefore set forwards instantly to return to *Brundisium*, a Place convenient for embarking either for *Greece* or *Asia*, and but a few Days Journey distant from *Vibo*. As it was then the Season of high Tides, he was obliged to travel thither by Land, accompanied with the People of the Country, whose Patron he was, and who, as his Clients, were under the Necessity of shewing him this Testimony of their Duty: They acquitted themselves of it

Veremur, nè interpretentur illud quoque oppidum ab Italia non satis abesse. 3. ad Att. 7.

A Vibone subito discessimus. — Statim iter Brundisium versus contuli ante diem rogationis, nè & Sica, apud quem eram, periret. 3 ad Att. 3.

Terrâ Vibone Brundisium petere contendî, nam maritimos cursus præcludebat hiemis magnitudo. Pro Plane.

very handsomely, but not without fear of seeing him taken from them by the Outlaws of *Cataline's* Faction, who then infested all that Country, under the Conduct of *Autronius*.

CICERO, who was sensible how dangerous it would be for him to meet with *Autronius* and his Accomplices, thought of having of *Atticus's* Attendants for his Convoy to protect him against Insults, in case he had come to him according to his Request: But *Atticus* was too much his Friend to leave *Rome* at a time when his Presence there was so necessary; he chose rather to incur our Orator's Reproaches by refusing to comply with his Desires, than by an indiscreet Complaisance to lose the Opportunity of doing him more essential Service.

I WOULD not answer for it, that *Cicero* at first did him Justice in Regard to these Motives; for he never ceas'd importuning him in all his Letters

Cùm omnia illa municipia in fide meâ essent, iter mihi tutum multis minitantibus magno cum suo metu præstiterunt. *Ibid.* 97.

Sine te autem non esse nobis illas partes tenendas propter Autronium. 3. *ad Att.* 2.

Faciliùs potes, quoniam de Provinciâ Macedoniæ perlata lex est. 3. *ad Att.* 4.

to

to come and join him. I find in the fourth Letter of the third Book (which according to some Commentators is the first in order of time) he tells this Friend he could not conceive what could detain him at *Rome*, since *Piso* was nominated to the Government of *Macedonia*.

HERE I can't but take the liberty to observe, that this manner of pressing him was not at all obliging, but rather imply'd a sort of Distrust, at which *Atticus* might have been offended, and very reasonably too, considering that, as he had a great Estate in *Epirus* (which was included in the Government of *Macedonia*) it seem'd to tax him with too sollicitous a Regard for his own Interest, as if he had nothing so much at Heart as the procuring of the good Graces of the future Governour of that Province.

CICERO tells him further in the same Letter, that he can determine nothing without his Advice, and that he expects him before he resolves to go by

Ut cum ex Italiâ profecti essemus, five per Epirum iter esset faciendum, tuo tuorumque præsidio uteremur, five aliud quid agendum esset certum consilium de tuâ sententiâ capere possemus. 3. *ad Att.* 4.

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way

way of *Epirus*; as if in that situation of Friendship they were in, he might not without *Atticus's* express Consent go and refresh himself a few Days in one of the Country Houses, which that *Roman* Knight had in that Country. I confess this Delicacy might have proceeded from the Consideration of the Measures, which *Atticus* observ'd with Persons of *Piso's* Rank, and if it had been attended with other Circumstances, would have been very commendable; but considering the Spirit, in which that and the following Letters are wrote, 'tis impossible to give his Expressions so favourable a Turn.

ON the other hand I don't pretend that any Consequence is to be drawn from these Reflexions in prejudice to the Opinion we are to form of *Cicero*; we have too many pregnant Testimonies of the singular Esteem, and tender Friendship he had for *Atticus*. There would be no such thing as fine Days, if in our Idea of fair Weather, we excluded all the little transient Clouds, which rise sometimes in the midst of the most perfect Serenity, but are neither thick enough, nor stay long enough, to spoil the Beauty of the Day. The Case is the same in Friendship; the very purest in
 2 the

the World is not absolutely free from all such little transient Over-castings, which suddenly rise in a Moment, and are entirely dissipated the next.

CICERO finding himself reduc'd to the necessity of seeking his Refuge in some Country more remote from *Italy*, than *Sicily* is, was in a terrible Streight and Perplexity. *Greece* was block'd up against him; *Autronius* and his Gang of Out-laws guarded all its Passes and Avenues, and the Fame of *Athens* did not suit with the deplorable Circumstances of his Fortune. Even *Epirus* was not safe from the Incursions of these Vagabonds, who were but four Days Journey from it. On the other hand *Macedonia* was allotted to *Piso*: And how many People, in order to make their court to the Governour elect, would have been base enough to insult a Man's Misery, which he might so justly be reproached with! There was no Place then left for him but *Asia*; and considering how important it was to him

Cognovi refertam esse Græciam sceleratissimorum hominum ac nefariorum, quorum impium ferrum ignesque pestiferos meus ille consulatus è manibus extorserat. *Pro Planc.* 98.

Ego volebam loco magis deserto esse in Epiro, quò neque Hispo veniret nec milites. 14. *Famil.* 1.

to have quick Intelligence of all that pass'd at *Rome*, nothing but Despair could drive him to so remote a Countrey : Moreover *Q. Cicero*, who had been Governor there, had just finished his third Year, and was already set forwards upon his return to *Rome* ; and to compleat our Orator's Misfortune, this Brother of his had disgusted and lost the Affections of the best People of the Province.

IN so melancholy and miserable a Situation, as this was in all Respects, it required a more than human Strength, and Steadiness of Mind to maintain his Tranquillity, to command all the Motions of his Impatience and Trouble ; in a Word, to master all his Uneasinesses and Suspicions in such a manner, that no Traces of them should appear in his Letters, where we see plainly, that *Cicero* did not endeavour to disguise his Sentiments.

AUTRONIUS's Name is so frequently mentioned in these Letters, that we can't omit saying something of his Person and Character. He was call'd *P. Autronius Pætus*. He had been in his Youth a School-fellow of *Cicero's* : They afterwards were in *Sicily* together, where both of them were Questors in the Year

678. But *Autronius* ten Years after this being disappointed of the Consulship, for the obtaining of which he had been guilty of indirect Practices, join'd himself to *Cataline*, who had at the same time suffer'd the same Disappointment; these two enter'd into a Resolution to revenge their Affront upon the two Consuls that were prefer'd before them. They fail'd in their Attempt upon the first Day of the Year, their Plot being discovered: The fifth of *February* following they miscarried too by *Cataline's* own Fault, who was too hasty in giving the Signal; however the bad Success of these two ineffectual Attempts did not discourage them; on the contrary it only serv'd to sharpen and augment their Fury: Two * Years afterwards they resolv'd upon no less an Enterprize than the total Subversion of the Commonwealth. *Autronius* for his Part undertook the Murther of *Cicero*, and to make himself Master of *Hetruria*. 'Tis hard to conceive how so vile an Offender, when he was prosecuted for so many enormous Crimes and Misdemeanors, could imagine our Orator would be one of his Counsel: Nevertheless he had the Assurance to desire him, and *Cicero* only refus'd him without any farther Rebuke.

buke. In short *Autronius* was banished into *Greece* with a great number of other Accomplices in that Conspiracy as desperate as himself.

* Now
called Sy-
bari ruma-
ra.

THERE they still continued, and dispers'd themselves not only throughout *Greece*, properly so call'd, but thro' that Part of *Italy* too, which anciently went under that Denomination, as far as * *Thurium* and even to *Brundisium*. They were perpetually scowring about all those Cantons: And as Villains never want Support in licentious Times, and as the travelling of so renown'd a Person as *Cicero* could not be kept so secret, but that they would certainly get Intelligence of it by their Spies, he had all imaginable Reason to be afraid; and the more so, because *Autronius* and his Crew, thinking his Banishment would authorize their Violence, look'd upon him as a Victim offered to their Vengeance.

THEREFORE in almost all the Letters that *Cicero* wrote to his Friend after his Departure from *Rome*, we find him in continual Fears and Alarms, lest he shou'd be surpriz'd by this *Autronius*,

Qui antequam de meo adventu audire potuissent, cum
tum abessent aliquorum dierum, &c. *Pro Planc*, 98.

and

and using all imaginable Precautions to avoid him.

HOWEVER he continued his Journey thro' *Calabria*, and arriv'd at *Thurium*, from whence he wrote to *Atticus* the 16th of *April*, "that if he were
" still at Rome, he could not possibly
" overtake him, let him make what Ex-
" pedition he would. He return'd him
" Thanks for the Care he took of *Terentia*,
" and beg'd him to continue his Kind-
" ness and good Offices.

IN short the not meeting with him at *Tarentum* was a very great Affliction to him, because he depended upon finding him there, and was destitute and incapable, as he himself declar'd, of any other Consolation; under this grievous Disappointment, consulting with Necessity, he determined to go and confine himself in * *Cyzicus*.

THE 18th of *April* he arrived at ^{* *Chizico*} a City of ^{the lesser} *Asia*.

Si enim es Romæ, jam me assequi non potes. 3. ad *Att.* 5.

Terentia tibi & sæpè & maximas agit gratias. 3. ad *Att.* 5.

Non fuerat mihi dubium, quin te *Tarenti* aut *Brundisii* visurus essem—Quoniam id non contigit, erit hoc quoque in magno numero nostrorum malorum. Nobis iter est in *Asiam*, maximè *Cyzicum*. *Ibid.* 6.

In hortos *M. Læni* me contuli. *Pro Planc.* 97.

Ab *Autronio* & cæteris quatruidi. 3. ad *Att.* 7.

Brundisium or rather at *M. Lænius Flaccus's* Country-house, which was not far from it: For tho' he was Patron of the Town, and the Inhabitants were extremely well affected to him, yet he durst not go into it for Fear of meeting with *Autronius*. However he was not there at that time, nor any of his Followers; but he had so many Correspondents in the Place, and the Passage from thence to *Greece* was so short, that in a few Days they might have surpris'd him there, if they had once been inform'd of his Arrival.

H E R E *Cicero* received several Packets of Letters from *Atticus*, in which he offered him his House in *Epirus*. *Cicero* returned him an Answer dated the last of *April*, the Day of his Embarkation, wherein after having thank'd him for his kind Offers, he acquaints him, that the Circuit he should be oblig'd to make in travelling to *Epirus*, the little time he should have to stay there, the nearness of *Autronius*, and the Uncertainty he was in of having the Satisfaction of his Company, had diverted him from

Sed itineris causa, ut divertar, primum est devium,
deinde sine te. 3. ad Att. 7.

his Purpose of taking that Journey. For *Atticus* gave *Cicero* but very slender and uncertain hopes of his coming to him, and never positively mentioned any fixt time.

GRIEF is always subject to complain, is often wrong and unjust in its Complaints, at least has its Chimeras and Extravagances, as well as all other Passions. In this and in several other Letters *Cicero* reproaches *Atticus* for having opposed the Resolution he had taken of dying by his own Hands. Let us confess it ingenuously; every Man, whose Impatience makes him utter such Complaints and Lamentations, is ready to charge his Friend with all the Events of his Counsels, and of the Measures he took in pursuance of his Advice. But as this is transgressing the Bounds of a reasonable Self-love, so is it certainly a Deviation from the Rules of Prudence, especially when those Complaints fall upon such Friends, as have fail'd us in nothing, but in not consenting to our Destruction.

Nemini mortem magis optandam fuisse, cujus appetendæ tempus honestissimum prætermissum est. 3. *ad Att.* 7.

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The HISTORY of

It must needs have been very gratifying to so generous a Person as this *Roman* Knight was, whose Friendship and Zeal had stood the Test on so many trying Occasions, to meet with the following bitter Reflection in the same Letter: “ *In dissuading me from my purpose of dying you have prevail’d; I have restrain’d my Hands from the desired Execution; but nothing can prevail so far, as to hinder me from repenting, that I follow’d your Advice. For who shall withhold me for the future, if the hopes I cherish’d, when I left Rome, should be blasted?*”

THESE last Words must be understood in reference to a very singular and remarkable incident in History, *viz.* that of *Cato’s* Removal from *Rome*, one of *Cicero’s* most faithful Friends, and the most capable of rowling the dejected Courage of a great many others. The manner of effecting his Removal was as follows.

CLODIUS being excessively elated with the Success of all his Projects, instead

Quòd me ad vitam vocas, unum efficis, ut à me manus abstineam: Alterum non potes, ut me non nostri consilii vitæque pœniteat. 3. *ad Att.* 7.

of

of ascribing it to the Favour and Assistance of those Persons, who could as easily have defeated it, imagin'd it was all owing to his own Abilities, and thought nothing was impossible for him to effect, after such bold and extraordinary Achievements. However before he would engage in any new Enterprize, he thought it necessary to remove *Cato* at any rate whatsoever.

CATO was the Person of all the Senate the most capable of giving him Trouble, and was the only one of those that were able to thwart him, who had no sort of Alliance or Engagement with him. *Clodius* had the greater Reason to dread *Cato*, for that a few Days after *Cicero's* Departure, that generous Friend of his had inveigh'd against *Piso* upon his account with so much Warmth and Severity, that the Consul in spite of all his shameless Assurance was terribly mortified and confounded. *Clodius's* Scheme for the removing of *Cato* was extremely well laid, and was really an artful subtle Contrivance.

CYPRUS was in those Days one of

Voce ipsâ ac dolore pugnavit, & post meum discessum iis Pisonem verbis vexavit, ut illum hominem perditissimum atque impudentissimum pæne jam provinciæ pœniteret. *Pro Sext.* 60.

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The HISTORY of

the richest Countries in the World, which was principally owing to the Worship of *Venus*, to whom that Island was dedicated. This for a Series of several Generations had brought from all Parts of the Earth numberless Offerings of infinite Value and Magnificence to the Temples of that Goddess; for according to the Religion of those Times *Venus* was look'd upon as the most considerable Divinity in Nature.

THE Prince then reigning in *Cyprus* was Brother to the King of *Egypt*. They were both *Ptolemys* by Name, and both Persons of vicious and deprav'd Inclinations. He particularly, of whom we are speaking, was a Man of an insatiable Avarice. There were no Ways and Methods of getting Money but what he made use of, were they never so sordid or indirect. And as the Opulency of his Kingdom afforded ample matter for his Avarice to work upon, he had amass'd immense Riches and Treasure.

Aderat fatum insularum. Igitur & Cyprus recepta fine bello: Insulam veteribus divitiis abundantem & ob hoc Veneri sacram Ptolemæus regebat; sed divitiarum tanta erat fama nec falsa, ut victor gentium Populus & donare regna consuetus Pub. Clodio Tribuno duce, &c. *Flor. Hist.* l. 3. c. 9. *Plut. Vit. Cic.*

BE-

BESIDES this general Reason for picking a Quarrel with him, this Tribune had moreover a particular one. About twelve or fourteen Years before the time I speak of, *Clodius*, in his Passage to *Asia*, was taken in those Seas by some Pirates of *Cilicia*, and sent to desire that Prince to ransom him out of their Hands. *Ptolemey*, who liv'd in Amity and good Understanding with the Commonwealth, tho' he had not the Advantage of being in Alliance with it, durst not refuse that mark of Civility to a *Roman* of his Quality. He therefore sent to offer the Pirates a Ransom; but they thought his Offer so much below the Value of their Prisoner, that they rejected it with Scorn, and would not restore *Clodius* his Liberty, till he had purchased it at the Expence of his Honour by one of the most horrid Enormities that could be committed.

CLODIUS had not forgotten this Stinginess of *Ptolemey's*, and only waited for an Opportunity to shew his Re-

Rex Ptolemæus, si nondum erat ipse à Senatu socius appellatus, &c. *Pro Sext.* 57.

Jam robustus provinciæ se ac rei militari dedit, atque ibi piratarum contumelias perpeffus Cilicum libidines barbarorumque satiavit, *De Harusp. resp.* 42.

sentment.

sentment. He therefore made a Proposition to the People for the Confiscation of that Prince's Dominions.

To make this Proposition the more plausible, and at the same time to compass his Design of removing *Cato* out of his way, he farther requested, that the Commission for reducing that Kingdom into a *Roman* Province should be given to *Cato*. By this means his secret Aim in this Expedition was so well conceal'd that the most clear-sighted Persons did not penetrate into the Mystery.

PTOLEMEY'S Wealth being a Subject of common Fame, as well as his avaritious Temper, the *Roman* People, who were great Lovers of Money, and for about a Century had taken upon them to examine the Conduct of Kings, and to chastise them as they thought fit, agreed to the Proposition of dethroning him without any other Reason or Offence in the World.

THEY knew, that if so dis-interested

Hujus pecuniæ deportandæ, & si quis suum jus defenderet, bello gerendo M. Catonem præfecisti. *Pro Dom.* 20.

Ad hunc honorem & imperium extra ordinem nominatim detulisti. *Pro Domo.* 21.

Non illi ornandum M. Catonem sed relegandum; nec illi committendum illud negotium, sed imponendum putaverunt. *Pro Sext.* 60.

and

and upright a Person as *Cato* were employ'd to execute the Commission, the Profits of it would be sure to redound to the Commonwealth. All the Difficulty was to make that virtuous Citizen accept it, who according to all appearance could have no Inclination to such an Employment. However he had no sooner declar'd his Sentiments upon it, but *Clodius* told him openly, that he would force him to accept it; and to that end he immediately prevail'd upon the People to impose it upon him by a special Ordinance.

To make him easy they represented to him the Honour that was done him by the Choice they had made, intimating that it was a plain authentick acknowledging of him to be the best and worthiest Member of the State; and by this Snare he was caught.

THO' this Expedition was a most manifest Invasion and Robbery, yet *Cato* considering that, if he should persist in his Refusal it would nevertheless be carried on, without the same Advantages

Quod ille si repudiasset, dubitatis quin ei vis esset allata.
Pro Sext. 62.

Id utilius esse per se conservari, quàm per alios. *Ibidem.*
63.

a'ccru.

accruing to the Commonwealth, since no body like him would withstand the Temptation of keeping to himself a good Part of so rich a Plunder ; *Cato*, I say, influenc'd by this Motive, such as it is, determined to lend his Hand to the Oppression and Ruin of that unfortunate Prince.

See to what Extremes even Virtues are subject, when over-strain'd and carried too far ! This rigid Stoick, the most disinterested Man in the World in Regard to himself, takes upon his own Account the most flagrant Violence that ever was committed, without any other End in view, but to augment the Riches and Luxury of the State, *that is to say*, the principal, efficient Causes of its Corruption. As if States or Kingdoms, because they have no common Superior to compel them to observe the Laws of natural Justice, were any more at liberty to dispense with them than private Persons are, whose Enterprises the Magistrate restrains, when they are exorbitant or unjust.

C A T O quickly set forwards upon this strange Expedition without any other Character than that of Pretor. One of his own Friends, called *Canidius*, went along

along with him as Questor, and two Secretaries of infamous Characters, one of which was a Client to *Clodius*.

THIS Tribune boasted afterwards in a publick Discourse, that by putting this Office upon *Cato* he had pluck'd out the Tongue which he us'd to employ, in exclaiming against extraordinary Commissions. He shew'd likewise in a full Assembly a Letter he had receiv'd from *Cæsar* out of *Gaul*, to congratulate him upon his late Success, by the Subscription of which Letter he pretended to prove an extraordinary Intimacy and Familiarity with that great Man, in as much as he had sign'd only in these Words, *Cæsar to Clodius*; whereas according to the usual Form and Ceremonial, he should have subscrib'd in These Terms, *C. Julius Cæsar Proconsul* or *General of the Troops to Pub. Clodius Pulcher Tribune of the People*. But this was far from being such a Demon-

Linguam se evellisse M. Catoni, quæ semper contra extraordinarias potestates libera fuisset. *Pro Sext. 60.*

Literas in concione recitasti, quas tibi à C. Cæsare missas diceres, *Cæsar Clodio*, cum etiam es argumentatus amoris esse hoc signum, cum nominibus tantum uteretur, neque adscriberet, *Proconsul* aut *Tribuno plebis*, &c. *Pro Dom. 22.*

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stration of Friendship, as to give *Clodius* any just Occasion for Ostentation: On the contrary he might have found more matter of Mortification in it than of Vanity, since by suppressing his Title and Quality of Tribune *Cæsar* seem'd in some sort to be ashamed of his handiwork. This made *Cicero* say very pleasantly, "*That perhaps Cæsar was puzzled to find out a Title proper for Clodius, since to name him rightly he should have call'd him the Vicegerent of the Consuls.*"

THE Necessity *Cato* put himself under of acknowledging *Clodius's* Tribuneship by accepting a Commission issuing from that Authority was one of the greatest Advantages the latter could desire; for from that time *Cato*, the virtuous *Cato*, inseparably link'd his Cause with that of the wickedest Man living: And as an obstinate Stiffness was the peculiar Characteristick of his Virtue, the People were thoroughly persuaded, that he would acquit himself of his Commission, whatever were the Consequences, with as much Vigour and Resolution, as if it was the justest Action or noblest Enterprize in the World.

To keep *Cato* absent from *Rome* longer than that Commission alone would have detain'd

detain'd him *Clodius* took care to have another added to it, which was to restore the banish'd Out-laws of *Byzantium*. Now it was impossible these could be recall'd without infringing the Rights of that free City, because the Persons in Question had been banish'd for very heinous Crimes, such as their Laws would not allow the least Indulgence to be shewn to: But that was a small matter with *Clodius*; he never stuck at such Obstacles.

FAME having brought the unhappy King of *Cyprus* the Decree of his Ruin (strange effect of the Terror of the *Roman* Name!) (a) He caused all the Riches he had been heaping up for so many Years to be ship'd on board several Vessels, and embark'd himself along with his precious Cargo, with a Design to sink it all and perish with it,

Lege unâ tulisti, ut Cyprius rex cum bonis omnibus sub præcone subjiceretur, & exules Byzantium reducerentur. *Pro Domo* 52. *Plut. vit. Cic.*

Damnatis de vi restitutio comparabatur. *Pro Sext.* 66.

(a) Ptolemæi autem regis Cypriorum risu prosequenda: nam cum anxiiis sordibus magnas opes corripuisset, propterque eas perituum se videret, & ideo omni pecuniâ impositâ navibus in altum processisset, ut classe perforatâ suo arbitrio periret, & hostes prædâ carerent; non sustinuit mergere aurum & argentum, sed futurum suæ necis præmium domum revexit. *Val. Max. L. 9. c. 4.*

rather than let it become a Prey to those Ravishers: But when it came to the Push, he had not the Courage to see so much Gold and Silver cast away, but returned to the Port just as he came out.

T H E R E he found *Canidius* the Questor, whom *Cato*, who stay'd at *Rhodes*, had sent before to notify the Pleasure of the *Roman* People. *Canidius* after having summon'd him to submit to it, advis'd him to accept of the Priesthood of *Venus* of *Paphos*, which the *Romans* were willing to confer upon him, and which was a Dignity of an immense Revenue. But *Ptolemey*, who had not Resolution enough to drown himself and perish with his Treasure, and by that means (which was the only one he had in his Power) to disappoint his Enemies, was so poor spirited and cowardly, that he took a Dose of Poison, and completed all his other Weaknesses by that unmanly Catastrophe.

T H E Y found in his Treasure seven thousand Talents, which amounts to a-

Et ille quidem ad rei famam veneno fata praecepit. *Flor. Hist. l. 3. c. 9.*

bove

bove one Hundred and * twenty Millions <sup>* about eight Mil-
lions Ster-
ling.</sup> of our Money. His Subjects were not sorry for this Revolution; they were better pleas'd to be Companions to a free People, than Slaves to so bad a Master.

THIS was the way *Cato* was kept from *Rome* for a considerable Time, in which Interval he might have been of great Service to his Country in general, and to *Cicero* in particular; thus was he inconsiderately drawn in, and oblig'd either to condemn himself, or to defend *Clodius's* irregular Conduct during his Absence.

As soon as *Clodius* found himself rid of *Cato*, he us'd all sorts of Practices for the getting of Money, aggrieving private Persons, oppressing the Provinces, extorting from Confederate Princes, or those that courted the Alliance of the *Roman* State; he sold his Interest to all the Pretenders to Places for the ensuing Year; but all those that bought it, did not find their Account in the Purchase: *Vatinius*, whom he favour'd

Quæ provincia, quæ ratio aut auferendæ pecuniæ non reperiebatur, quæ regio oravè terrarum? Sc. *Pro Sext.* 66.

Amici illi tui ita repellebantur, ut etiam Palatinam tuam perderent. *Pro Domo* 49. *Pro Sext.* 114.

above all the other Candidates in his Pretention to the Edileship, was rejected by every Tribe, without excepting the *Palatine* which was *Clodius's* own Tribe.

THIS Tribune was as unsuccessful in many other Enterprises of the like nature: He found by Experience, that Mens Minds never come to themselves more readily, than after they have been most violently transported.

IF I should attempt to enumerate all the Instances of his Rapine, the Task would be infinite: For there was no Nation dependent on the Commonwealth, no Employment in the Peoples Disposal, no Command, Embassy, or Business of any kind whatsoever, but what he attempted to lay under Contribution. I shall content my self with relating one Example, which is of a very curious and extraordinary Nature.

THE most celebrated Temple of *Cybele* in the World was undoubtedly that at * *Pessinuntium*, a City, that stood upon the Confines of *Phrygia*, and *Galatia*, and was famous for the Tomb of that Goddess's Favourite, called *Atys*. This Temple for many Ages had been

* *Possene*
according
to *Thevet*.

Lege Tribunitiâ matris magnæ *Pessinuntius* sacerdos expulso sacerdotio est, *Pro Sext. 56. de Harusp. resp. 28, &c.*
enrich-

enriched with the bountiful Donations of the greatest Kings of *Asia* and *Europe*; there too the Generals of the *Roman* Armies had often perform'd their Vows, which they made in the most dangerous and dubious Wars of the Commonwealth.

THIS Goddess was held in such a singular Vogue and Reputation, that towards the end of the second *Punick* War they imagin'd the only way to drive the Enemy out of *Italy*, was to have her Statue, which was at *Pessinuntium*, brought to *Rome*. For that end Embassadors were sent to *Attalus*, King of *Pergamus*, who comply'd with their Request, and gave them the sacred Statue.

ONE would naturally think the Loss of this Image would have lessen'd the Veneration of the Place: But the Priests of that Temple were too wise not to provide against so obvious an Inconvenience. We find by the Importance of the Pontif at the time I now speak of, that the Temple was certainly as famous then, as ever it had been before: From whence we may easily presume, that of the several Statues of their Goddess (which the Priests for various Reasons had in store) either they had really kept the most authentick, or at least had persuaded the

People to believe so. In a Matter so ambiguous we cannot certainly know which of the two Ways the pious Fraud was manag'd, but that it was by one or other of those Ways is very apparent.

BE that as it will, the Priesthood of *Cybele's* Temple was neither inferior in Honour nor Revenue to those of *Cyprus* or *Paphos*. In so much that *Brogitarus*, Son-in-Law to *Dejotarus*, King of *Galatia*, and himself a Sovereign Prince of a part of the Kingdom of *Pontus*, thought it an Object not beneath his Ambition or his Avarice.

THIS important Dignity however was not then vacant, and the Person invested with it had no Inclination to resign it, neither was there any reasonable Grounds or Pretence to deprive him: But *Brogitarus*, who was willing to make the most of the Friendship and the Opportunities he had with *Clodius*, by giving him his Bond for the Payment of considerable Sums of Money, not only obtain'd the sacerdotal Dignity in question, but the Title of King too, which he never had before.

DEJOTARUS, that faithful Ally of the *Romans*, and the best Man that ever wore a Diadem in the *Pagan* World, oppos'd this scandalous Traffick with all his

his Power. He supported the Pontif in Possession against his own Son-in-Law, and render'd the Bargain *Brogitarus* had made with *Clodius* ineffectual.

It would have been very strange, if so many vile and scandalous Enormities had not render'd that Tribune in the end a Laughing-stock to those he had been a Terror to before. It was probably upon this Persuasion *Atticus* prognosticated to our Orator a favourable Change for him in the publick Affairs, of which *Clodius* before had in some sort been the absolute Director. But *Cicero* was too deeply immers'd in the Contemplation of his Misery to admit any new Hopes into his Imagination; he was much more inclin'd to look upon them as ingenious Fictions, which *Atticus's* Friendship made use of in order to suspend his Sorrows, than to lay any Stress upon the Consequences his Friend deduc'd from them: This appears plainly from his continuing to importune *Atticus* to come to him.

“ *Did Cicero then consent, you'll say,*
 “ *to lose the Fruits of that generous*
 “ *Friend's Sollicitations? Was he will-*

De Rep. video te colligere omnia, quæ putes aliquam
 spem mihi posse afferre mutandarum rerum. 3. ad Att. 7.

ing

“ing to sacrifice the most material Instrument of his Restoration to the transient Satisfaction of a Visit? Was this consistent with his Prudence?” We must consider, that in a weighty, thorough Affliction, we are very little affected with the Thoughts of the Future. When the present Distress lies hard and heavy upon us, if our Desires be not consistent with our real Interest, the Blame belongs to our Senses only, and not to our Reason, which is not so much as consulted in the Case.

WE are not therefore to be surpris'd, if *Cicero* in such a melancholy Situation as his was in all respects, desir'd to assuage his Pain with the Presence of a Person so dear to him as *Atticus*. 'Tis the part of a true Friend, on such Occasions, to refuse or comply with our Desires, according as he knows them to be consistent or inconsistent with our real Wants and true Interest.

CICERO embark'd the same Day he wrote to *Atticus* to acquaint him with the Rout he design'd to take in his Journey to *Cyzicus*; yet he did not certainly know himself, whether upon his arriving at the Coast of *Macedonia*, he should proceed from thence to *Epirus*, or whe-

ther he should pass over Mount *Candavia*, which parts *Macedonia* from *Illyria*; for tho' he often chang'd his Resolutions, as we have seen already, and shall still see in the Sequel, yet have we no reason to charge him with Inconstancy.

THE same Day he wrote likewise to his Wife, which Letter is so moving, that I thought my self obliged to recite it at Length, by that means to give us the fuller Idea of all the various Passions that tortur'd and perplex'd him.

CICERO to his Wife TERENTIA, to TULLIA and CICERO his Children.

“ I Write to you but seldom, and I’m
 “ forc’d to do so in my present un-
 “ happy Condition, to prevent the prodi-
 “ gious Effusion of Tears that exhaust my
 “ Spirits, whenever I dictate Letters to
 “ you, or peruse those I receive from you.
 “ What numberless Sorrows and Anxie-
 “ ties a little less Attachment to Life
 “ would have sav’d me! How many
 “ Troubles it would have preserv’d you

Aut accedemus in Epirum, aut tardè per Candaviam
 ibimus: dubitationem autem de Epiro non inconstantia
 nostra afferebat. 3. *ad Att.* 7.

Et seq. epistola ad Terentiam. 14. *Famil.* 4.

“ from

“ from! Perhaps it might have deliver’d
 “ you from them all. However, if there
 “ be any Hopes of recovering a part of
 “ our former Comforts, I shall have so
 “ much the less to reproach my self with;
 “ but if there be no End nor Mitigation
 “ of our Misfortunes, my Resolution is
 “ fix’d. I wish for nothing but to see
 “ you, and to expire in your Arms, since
 “ both Gods and Men are equally insen-
 “ sible, and make no account of our Ser-
 “ vice; those not regarding the Purity
 “ of your Worship and Adorations; and
 “ these forgetting what I have done for
 “ my Country and Fellow-Citizens.

“ I have been thirteen Days at *Brun-*
 “ *disium* with *M. Lænius Flaccus*: That
 “ good Man was so sensibly and tho-
 “ roughly affected with my Sufferings,
 “ that he never consider’d the Danger to
 “ which he expos’d his own Life and
 “ Fortune; he did not think the lawless
 “ Act for my Banishment could justify
 “ his dispensing with the Laws of Friend-
 “ ship and Hospitality. I shall never for-
 “ get his Generosity; may the Gods make
 “ me capable of shewing the grateful
 “ Sense I have of it.

“ I am setting out from *Brundisium*,
 “ with a Design to go to *Cyzicus*, by
 “ way of *Macedonia*. Unhappy Wretch!
 “ in

“ in the miserable Despondency I am
“ under ; what am I going to desire ? To
“ have the Consolation of your Com-
“ pany. But alas ! how can you travel
“ in your languishing State of Health, and
“ under that Weight of Sorrows, that
“ oppress and overwhelm you ? Yet how
“ can I live ? How shall I sustain the
“ Misery of Life, sever'd from you ! This
“ then is my Mind, dear *Terentia*. If
“ you see any Prospect of my Return,
“ acquaint me with it, and use your ut-
“ most Skill to promote it. If on the
“ contrary my Fate be irreversibly de-
“ creed, as I fear it is, come to me, I
“ beseech you, as well as you can ; and,
“ believe me, I shall never think my self
“ utterly ruin'd, as long as I have you.
“ But what will then become of dear
“ *Tullia* ? Take your Measures together
“ about the Journey, for you must expect
“ no Help or Expedients from me ; I
“ would have you, above all things, con-
“ sider your Condition and Conveni-
“ ency. And what will become of my
“ poor, dear *Cicero* ? O that I had him
“ in my Arms, and could hold him there
“ for ever ! My Grief, I find, overpowers
“ me—I can say no more.

“ I know not what Condition your
“ Affairs are in, whether you have any
“ thing

“ thing left, or are stript of all. I per-
 “ suade my self, as you do, that our
 “ Son-in-law *Piso* will never desert us.
 “ You need not be uneasy about the
 “ Articles you made with your Slaves, for
 “ you are only oblig’d to reward ’em in
 “ proportion as you are satisfy’d with
 “ their Behaviour; and excepting *Or-*
 “ *pheus*, who has not yet fail’d in his Du-
 “ ty, there’s none of ’em very deserving
 “ of your Favour. Your Agreement
 “ therefore would be reduc’d to this, to
 “ give those that have deserv’d it their
 “ Liberty, in case we are utterly ruin’d;
 “ if otherwise, you’ll be oblig’d to re-
 “ tain the greatest part of them in your
 “ Service: But this is too trivial a Matter
 “ to consider any further.
 “ You exhort me to have good Cou-
 “ rage, and not to despair of my Resto-
 “ ration; you say well, if there was any
 “ reasonable Foundation for such flat-
 “ tering Expectations. But how shall I
 “ receive any Letters from you now?
 “ Who will bring them to me for the fu-
 “ ture? I would wait for them here at *Brun-*
 “ *disium*, if the Master of the Vessel I am
 “ going to embark in would permit me;
 “ but the Wind is fair, and he is deter-
 “ mined not to lose the Advantage of it.

“ Strive

“ Strive to comfort your self, dear
“ *Terentia*; we have lived honourably;
“ we have been in a prosperous, flourish-
“ ing Condition, a less Share of Virtue
“ would have prolong'd it to us; our
“ Conscience cannot reproach us with
“ having shorten'd it by any Fault of
“ our own, unless it be a Fault in me,
“ that I have surviv'd my Dignities: But
“ since I have had that Consideration for
“ my Children, let us continue to bear
“ the Load of our Miseries, how insup-
“ portable soever they be. I endeavour
“ to give you Consolation, yet I can't
“ do the same good Office to my self.

“ I have releas'd *Clodius Philetæus*,
“ in Recompence of his Fidelity; he was
“ grown useless to me, through the
“ Weakness of his Eyes. *Salustius* will
“ be more serviceable to me than I ex-
“ pected. *Pesennius* is very affectionate
“ to me, and I don't doubt but he will
“ continue to deserve your Favour. As
“ for *Sica*, he promis'd to bear me Com-
“ pany, but he left me as soon as we
“ came to *Brundisium*.

“ BE tenderly careful of your Health,
“ and assure your self, my Soul is infi-
“ nitely more afflicted with your Unhap-
“ piness than with my own.

FARE-

The HISTORY of

"FAREWEL, dear Terentia. Fare-
 "wel my lovely Daughter. Farewel
 "Cicero, my only Hope.
 "BRUNDISIUM April the 30th.

FLACCUS, with his Father and Children, attended *Cicero* to the Haven; they would not quit him, till they had seen him embark'd. At parting, they gave one another all the mutual Testimonies of the most lively Friendship, which were the more moving and melancholy, on account of the Occasion.

* Du-
 razzo.

PLUTARCH assures us, that when *Cicero* put to Sea, the Weather was very fine; but that a contrary Wind rose the next Day, and drove him back again to the Coast of *Brundisium*, from whence he afterwards set sail again, and arriv'd at * *Dyrrachium*; which, as well as *Brundisium*, was under his Protection.

HE adds, that when *Cicero* landed, there was such a terrible Earthquake, that the Sea seem'd to be divided by the Violence of the Concussion; and that the Sooth-sayers being consulted upon the

Hujus ego & parentis ejus, prudentissimi atq; optimi senis, & utriusq; filiorum manibus in navi tutâ ac fideli collocatus, eorumq; preces & vota de meo reditu exaudiens Dyrrachium petere contendi. *Pro Plane.* 97.

Plut. vit. Cic.

Pro-

Prodigy, foretold, that his Banishment would not be of a long Duration: But this I relate only, because I would omit nothing which Authors have transmitted upon this Subject; for the Fact it self is as uncertain, as the Prognostick they drew from it.

CICERO made no Stay at *Dyrrachium*. He there receiv'd Intelligence by two Couriers of the Return of *Q. Cicero*; one of which inform'd him, that his said Brother had sail'd out of the Port of *Ephesus*, bound for *Athens*; and the other, that he would travel by Land through *Macedonia*. Upon the Receipt of this News *Cicero* dispatch'd Expresses to *Athens*, to engage his Brother to come to **Thessalonica*, whither he hasted himself, that he might be ready to receive him.

* *Salonica*
267
Miles from
Durazzo.

To have a full Idea of *Cicero's* Uneasiness, in regard to his Brother, we should consider all the Reasons he had to fear he would be involv'd in his Misfortune. For tho' *Clodius* was somewhat disconcerted by the ill Success of his last Enterprizes,

Accessit, cum Dyrrachij essemus, ut duo nuntij afferrentur: Unus, classe fratrem Epheso Athenas: alter, pedibus per Macedoniam venire. Itaque illi obviam misimus Athenas, ut inde Thessalonicam veniret. 3. ad Att. 8.

O

yet

yet he did not forbear attempting new ones every Day ; and there was then but too much Reason to believe, that *Quintus* would not escape his Fury. At least, *Cicero* was full of these Apprehensions, whose foreboding Imagination expected all the disastrous Events that could possibly happen. But those Misfortunes, which we forebode, and look upon as inevitable, are not always the most grievous or the most certain ; they very often have little in them, besides the Pain we have created to ourselves by our own Presages and Anticipation. This Observation will be verified in the Sequel, where we shall find too, that running into the contrary Extreme is no less deceitful and unprofitable ; that those Hopes, which appear nearest to us in the Perspective of our Imagination, are not always the soonest accomplish'd.

AMONGST the various Enterprises and Attempts of *Clodius*, there were some that were personally levell'd against *Pompey* ; which the Senate, through their Indignation at his Perfidiousness in regard to *Cicero*, would not seem to take notice of. That Body was extremely well

Nec tam miserum est quidquam, quod non in nostram fortunam cadere videatur. 3. ad Att. 8.

pleas'd

pleas'd to see him expos'd to the Insults of his own Creature; one that could never have been able to insult any body with Impunity, if *Pompey* had kept his word with our Orator and his Friends.

CLODIUS then being blinded by his own natural Presumption, instead of considering that *Pompey*, to regain the Esteem and Friendship of all the World, and to become as powerful as ever he had been before, had nothing to do but to declare himself for *Cicero*; *Clodius*, I say, was so rash and fool-hardy as to affront *Pompey* in the tenderest Part, and in the most gross and palpable Manner.

POMPEY, some Years before this, had taken the King of *Armenia's* Son, *Tigranes*, Prisoner; and amongst other Captives made him follow his triumphal Chariot, to punish him for having opposed the Treaty which his Father had concluded with the *Romans*. After this he committed him to the Custody of one of his Friends, call'd *Flavius*, who was a Senator.

Pompeius post triumphum Mithridaticum Tigranis filium in catenis deposuerat apud Flavium Senatorem, qui postea cum esset Prætor eodem anno quo Tribunus plebis Clodius, petit ab eo Clodius super cœnam, ut Tigranem adduci juberet ut eum videret: Adductum collocavit in convivium, dein Flavio non reddidit.

CLODIUS, a little before the Time we are speaking of, being at Supper with several other Persons at *Flavius's* House (who was one of the Pretors of that Year) desired him to oblige the Company with a Sight of *Pompey's* Prisoner. *Flavius*, not suspecting any Design, comply'd with his Request; but *Clodius*, who was more covetous than curious, and whose View was to appropriate the Prince's Ransom to himself, refus'd to return him, when Supper was ended, kept him from that Time in his own Custody, notwithstanding all *Pompey's* Instances and Endeavours to get him out of his Hands, and at last embark'd him, in order to send him back to his own Country.

* *Antio*
30 Miles
from Rome

BUT this was not all: Young *Tigranes* being oblig'd by stormy Weather to go into Harbour at * *Antium*, our Tribune, immediately upon that News, dispatch'd his faithful *Sex. Clodius*, with a considerable Number of sturdy Fellows, to fetch him safely back again into his Custody.

Tigranem dimisit & habuit extra catenas, nec repetenti Pompeio reddidit: Postea in navem deposuit: & cum profugeret, ille tempestate delatus est Antium: illico ut deduceretur ad se Clodius Sext. Clodium misit, qui eum reduceret: Flavius quoque recognita ad diripiendum Tigranem profectus est: Ad quartum lapidem ab urbe pugna facta est, in qua multi ex utraque parte ceciderunt.

Fla-

Flavius, on the other hand, in consequence of the same Advice, went himself with a strong Party to recover the Possession of his Prisoner. The two Companies meeting upon the Road had a very warm Engagement, in which *M. Papirius*, a Roman Knight, and an intimate Friend of *Pompey's*, was kill'd; and a great many others of less Note met with the same Destiny, though not so many on the side of *Sex. Clodius*, as on that of *Flavius*, who himself very narrowly escap'd with his Life.

WE can't any where find an Incident that better characterizes the Author of all these tragical Events, or better discovers to what a Height of Insolence the Roman Nobility were arriv'd, to make a captive Prince their Spectacle and Diversion at a Banquet. We may observe too, how grossly they abus'd the Power and Privileges of their Places, by this Instance of *Clodius's* abusing the Authority of his, in offering so publick an Affront to a Man of *Pompey's* Consideration and Character. What Probability was there that a Commonwealth should long sub-

Plures tamen ex Flavij, inter quos M. Papirius: Flavius sine comite Romam vix perfugit. *Ascon. Milon.*

Dion. l. 38.

list, when they were fallen into such a licentious Depravation of Manners? What Prospect, that a Number of Citizens, where every one in particular assum'd to himself such an exorbitant Power, should long agree together? It was much more probable, that the ablest Man amongst 'em, as it happen'd at last, would become the Master of all the rest.

Pompey did not continue an idle Spectator of so mortifying a Scene, as that was of carrying off his Prisoner; but as the Time was not yet come for him to declare himself openly, he only gave *Atticus* an Intimation of his being more favourably dispos'd towards *Cicero*, than he had appear'd to be by his past Conduct. *Atticus* immediately sent Information of this to our Orator, and advis'd him to improve this Occasion, by writing to *Pompey*, in order to fix and perfect his good Dispositions. *Cicero* did write according to his Friend's Advice, and sent him moreover a Copy of the Letter; but the good Effects not keeping Pace with his Wishes, he not only abandon'd all his Hopes, after the 29th of *April*, when he wrote to *Atticus*, but so entirely gave himself up to his Melancholy, that he owns in the same Letter his Mind was much disturb'd, and not in its ordinary

Situa-

Situation. " *I do not Question*, says
 " he to his Friend, *but you your self will*
 " *perceive it from my visible irresoluti-*
 " *tion and instability. You must blame*
 " *the Vexations and Sorrows, that tor-*
 " *ture and afflict me: But believe me,*
 " *'tis the Remembrance of my own Fault,*
 " *that grieves me most, and gives the*
 " *Edge to all my Sufferings.*

(THE Fault he bewails in this Place was his having put an unwary Confidence in the Counsels of a Traitor, whom he does not name; but the Person he means was certainly *Hortensius*.) " *There-*
 " *fore, adds he, if you chance to be in-*
 " *form'd from any Quarter, that I am*
 " *confounded and overwhelm'd with my*
 " *Sorrows, assure your self, that of all*
 " *the calamitous Circumstances of my*
 " *Misfortunes, great and unspeakable*
 " *as they are, there is nothing so in-*

Literarum exemplum, quas ad Pompeium scripsi, mi-
 si tibi. 3. *ad Att.* 8.

Tigrane neglecto sublata sunt omnia. *Ibidem.*

Ex epistolarum mearum inconstantia puto te mentis
 meæ motum videre, qui etsi incredibili & singulari calami-
 tate afflictus sum, tamen non tùm ex miseria, quam ex
 culpæ nostræ recordatione commotus: quare cùm me
 afflictum & confectum luctu audies, existimato me stulti-
 tiæ meæ pœnam ferre gravius, quàm eventum; quod ei cre-
 diderim, quem esse nefarium non putaram. 3. *ad Att.* 8.

The HISTORY of

*“ supportable to me, as the bitter Consi-
 “ deration of my own Folly.*

SOME Criticks have remarked upon this Passage, that a Man must necessarily be as vain and as honest as *Cicero*, to be capable of feeling so pungent a Sorrow, or even to be able to comprehend it: To support this Hypothesis they reason thus;

“ A VAIN-GLORIOUS Person, that is
 “ not at the same time upright and in-
 “ genuous, does not know what it is to
 “ repent; he never owns himself guilty
 “ of any Error, but imputes all his Dis-
 “ graces and calamitous Events to pure
 “ Misfortune, which must necessarily pro-
 “ duce very different Sentiments from
 “ those, that *Cicero* seems to be touch-
 “ ed with. On the other Hand an in-
 “ genuous sincere Person, that is not
 “ vain-glorious, would not have so sen-
 “ sible a Concern for having been guilty
 “ of an Indiscretion; but a Man that is
 “ both ingenuous and vain-glorious, as
 “ he was, and subject moreover to strong
 “ and violent Passions, which are al-
 “ ways productive of great Indiscretions,
 “ cannot well be more unhappy or
 “ more worthy of Compassion.

FOR my Part whatever others may
 think

think of the Passage, that occasioned these Reflexions, the only thing evident in it to my Apprehension is a refin'd delicate Self-love of a very singular and extraordinary Nature. Here is a Man as much or more confounded, perhaps, than he ought to be with his Misfortunes, who nevertheless, being cool and considerate enough to foresee the growing Predominancy of his Affliction, has the Precaution to ascribe it beforehand to a laudable Cause. To what purpose is this Precaution, but to secure the good Opinion the World has of him? As to his Ingenuity or Sincerity, I dare affirm, it is not conspicuous in that Confession, neither separately nor jointly with the Vanity that is in it, since it is not so much his own Fault he there repents of, (for we have seen him guilty of more Faults than one,) as the Fault of another Person; which is a thing neither natural nor rational, and turns the Conclusion quite another way, *viz.* that Cicero's greatest Sensibility was for other Peoples Failings, and that he was willing to forget and overlook his own.

QUIN-

The HISTORY of

QUINTUS sail'd from the Port of *Ephesus* about the latter End of *April*, and arrived at *Athens* the 15th of *May*. But *Cicero*, who justly apprehended their Enemies might take Advantage from his Delay to execute their evil Purposes against him, chose rather to deprive himself of the Pleasure of seeing his Brother, and to countermand his coming by new Couriers, than to expose him to the Inconveniences, which might have ensued from a longer Absence: For he must have taken a considerable Tour out of his way in order to come to *Thessalonica*. Without doubt it was a painful Struggle, and a great Instance of Self-denial in *Cicero*, to forego the Satisfaction of seeing a Brother he so tenderly lov'd: But if he had not wav'd his first Intentions, he would still have had a grievous Conflict to suffer at parting. Be that as it will, 'tis however a very astonishing thing, that *Cicero* should upon that Occasion include *Atticus* in this

Q. frater cùm ex Asia discessisset ante Kal. Maias, & Athenas venisset Idibus, valde fuit ei properandum, nequid absens acciperet calamitatis, si quis fortè fuisset, qui contentus nostris malis non esset. Itaque malui eum properare Romam, &c. 3. ad Att. 9.

Hujus acerbitatis eventum alterâ acerbitate non videndi fratris vitavi. *Ibidem*.

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bitter Apostrophe; "*You, that persuaded me to live, have brought me into this cruel Exigency: But I am justly punished for my too easy Condescension and Compliance.*"

WHAT he subjoins in the same Letter is no less remarkable; after having exhorted his Friend to use his utmost Endeavours to bring *Hortensius* into his Interest; "*Is it possible, says he, dear Atticus? Do you not yet perceive who were the insidious, treacherous Authors of my ruin?*"

How! Did not *Hortensius* then sufficiently manifest his Affection and Regard to *Cicero*, *Hortensius* (I say,) who, as we have seen in the preceding Pages, risk'd his Life in his Quarrel, and narrowly escap'd being killed? No; he did not, it seems, or else our Orator was strangely subject to make a wrong Judgment of the Conduct of his Friends: For he speaks of him in this Place and elsewhere in such a Manner, as would make one believe he did not suspect *Hortensius* without a Cause. All our Wonder then must

In hunc me casum vos vivendi autores impulistis. Itaque mei peccati luo poenas. 3. *ad Att.* 9.

Obsecro, mi Pomponi, nondum perspicis quorum opera, quorum insidiis, quorum scelere perierimus? *Ibid.*

center

The HISTORY of

center in this, that *Cicero* knowing Men so well as he did, and considering what *Hortensius's* Dispositions must necessarily be towards him in the Quality of an Orator, should place so blind a Confidence in him, as to give himself Occasion for Repentance. Tho' we have none of *Hortensius's* Orations, by which we may make a Comparison between his Abilities and *Cicero's*, yet we may easily judge, which of the two carried away the Prize of Eloquence. Besides the Publick's giving our Orator the Preference which all the Writings of those Times attest, it does not appear, that *Hortensius* ever published any of his Discourses: That Circumstance sufficiently proves the Preference given *Cicero* to be just, since the last and most certain Testimony of an Orator's Merit is, that his Compositions are approved without the Advantage of Action. It must needs be very grating to *Hortensius*, considering his Age and Quality, to see himself dispossess'd of so glorious an Empire, as that of Eloquence, by such a young Upstart as *Cicero*. But how natural soever such a Resentment may be, 'tis no lawful or reasonable Excuse for Treachery. I confess indeed, it still remains doubtful, whether

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whether *Hortensius* was really guilty; and I confess it the more willingly, because according to the Principles I have laid down above, I should be sorry to patronize such a Suspicion after the Testimonies, which *Cicero* himself has given of the Merit and Probity of that Gentleman in his Encomium at the Beginning of his Treatise of illustrious Orators: An Encomium, in my Opinion, worthy the Admiration of all Ages, in as much as that alone would abundantly serve to illustrate the Beauty of our Orator's Mind, and to shew, beyond Contradiction, that he was incapable of Envy.

WE should be oblig'd to rest at every Step of his History, if we would point out all the remarkable Passages, which represent him as a Person without Gall or Malice, full of Integrity, Candour, Frankness and Ingenuity. However I must ask Pardon, if I so far deviate from the scrupulous Uniformity of a Narrative, as to insert some of those Passages that occur in his Letters. I shall therefore make no Difficulty of reciting at length that Letter he wrote to his Brother the 13th of *June*, because it not only contains the Reasons of some Facts I have hinted at before, but sets that infinite Tendernefs he had for his Brother in its true original Light.

CICERO

CICERO to his Brother QUINTUS.

Dear BROTHER,

“ COULD you possibly believe,
 “ that when I sent my Servants to
 “ you, and declin’d meeting you, I pur-
 “ posely neglected writing through any
 “ Peck or Resentment? That I should
 “ be offended at you! How could such
 “ a Suspicion come into your Imagina-
 “ tion? Is it you then, or your Enemies,
 “ or any Malice of your exciting, that is
 “ the Cause of my Misfortunes? Or is it
 “ not I, that am in Truth the Author
 “ of all yours? That boasted Consulship
 “ of mine, which I so much exulted in,
 “ has now deprived me of you, my Chil-
 “ dren, my Fortune, and my Country,
 “ and, I fear, has depriv’d you too of ma-
 “ ny other Things besides my Person.
 “ This, however, is certain, I never ex-
 “ perienç’d any Thing from you, but
 “ what was honourable, kind and agree-
 “ able; but you have a very different
 “ Fate to undergo on my Account, the
 “ Trouble of my Misfortunes, the Ap-

Epist. ad Q. Fratrem. Mi frater, mi frater, &c. 1. ad
 2. f. 3.

“ prehension

"prehesion of being involv'd in them;
 "a thousand Anxieties, perpetual Alarms,
 "and the Desertion of all your Friends.
 "I refuse to see you! Say rather, I was
 "unwilling you should see me; for, in-
 "deed, you would not have seen your
 "Brother: No; you would not have
 "known him to be the same Brother
 "you left at parting, whose Features
 "were so familiar to you, whose Tears
 "blended their Streams with yours
 "upon that * Separation: You would * It was
 "not, I say, have found any Remains ^{three Years}
 "of those Features, no, not the least ^{before this}
 "Resemblance; you would only have ^{that Quin-}
 "seen a languishing, miserable Wretch ^{tus went}
 "ready to expire. Oh! would to the ^{to take}
 "Gods my Death had effectually prevent- ^{Possession}
 "ed so dismal a Spectacle! Would to the ^{of his Go-}
 "Gods you had been both my Survivor ^{vernment}
 "and the Possessor of my Honours! ^{of Asia af-}
 "All the immortal Gods can witness, ^{ter the Ex-}
 "that if any thing engag'd my Consent ^{piration of}
 "to prolong my Life, it was the Persuasi- ^{his Prae-}
 "on I had of your's depending upon it. ^{torship.}
 "That Consent was my Error, or rather
 "my Crime; for, if I had died, my
 "Tenderness and Friendship for you
 "would sufficiently have justified me:
 "But what can I say in my Defence
 "now that I live? now that through
 "my

" my Fault you are bereft not of me on-
 " ly, but of all other Enjoyments? now
 " that my Faculty of Speaking, that
 " Talent, which I have so often exerted
 " successively for others, has been un-
 " serviceable to my self in my own Ex-
 " tremity?

" It was therefore through no Pet or
 " Ill-humour, that I did not send you
 " any Letters by my Servants; it was
 " owing to a kind of Stupefaction, to the
 " Torrent of my Tears; Alas! with how
 " many heart-breaking Sighs is the Let-
 " ter, I'm now writing, interrupted! judge
 " by your self, by the Anguish, I'm sure,
 " you'll suffer in the reading. Am I in
 " Truth one Moment without having you
 " in my Thoughts? Or do I ever think of
 " you without being drowned in Tears?
 " Sever'd from you I'm destitute of all
 " Comforts; and, if in one Sense it is
 " but a Brother, that gives all these
 " Pangs, yet that Brother is a Friend in
 " the most endearing Sweetness of Con-
 " versation, a Companion in the Con-
 " formity of his Inclinations, a Son in
 " Submission, and a Father in Council.
 " In a Word, I never tasted perfect Plea-
 " sure but in your Company, as I'm per-
 " suaded you never did but in mine.
 " But, O Heavens! at the same time

" I'm
 " G
 " tu
 " Re
 " fan
 " a v
 " Bo
 " Joy
 " mo
 " be
 " fro
 " live
 " ries
 " seco
 " min
 " der
 " mo
 " Lib
 " beh
 " but
 " Shi
 " tak
 " I
 " ing
 " pair
 " Let
 " chis
 " it b
 " was
 " ord
 " exho

" I'm bereft of my Daughter ; and, O ye
" Gods! what a Daughter she is for Vir-
" tue, Behaviour and Genius! My own
" Resemblance, the same Features, the
" same Organs, the same Soul. What
" a vast Distance am I wandring from my
" Boy, that dear Object of my tenderest
" Joys, from that poor Child, who was
" more sensible than I desired he should
" be, who, when I forc'd my self cruelly
" from his eager Embraces, had but too
" lively a Sense of our prodigious Mife-
" ries ; along with all this I lose your
" second self, your Son, I mean, whom
" mine is so fond of, and respects as his el-
" der Brother. In short, I have denied the
" most unhappy and the best of Wives the
" Liberty of following me. She stays
" behind by my Orders to save the sad,
" but the most precious Remains of my
" Shipwrackt-Fortune, to preserve and
" take care of our Children.

" I DID write to you notwithstanding
" ing all this, notwithstanding all the
" painful Efforts it cost me. I sent the
" Letter by *Philogonus*, your enfran-
" chis'd Servant, who must have delivered
" it before this. By that Letter, which
" was only a Repetition of what I had
" order'd my Servants to tell you, I
" exhorted you, I conjur'd you to make

P

" all

“ all imaginable Expedition to *Rome* ;
 “ in the first place that you might be
 “ ready to succour your Family, in case
 “ the Cruelty of our Enemies was not
 “ yet asswag’d ; in the next place be-
 “ cause I was afraid both for you and
 “ my self, that the Tide of Passions at
 “ our first Meeting would quite over-
 “ whelm us : After that we must have
 “ parted ; and that Parting would have
 “ been such a Conflict, such a Shock,
 “ as neither my Reason nor yours could
 “ have supported. I felt my own Weak-
 “ ness, I apprehended the same on your
 “ Side, and in that deadly Perplexity I
 “ chose rather not to see you ; how se-
 “ vere and cruel soever this Resolution
 “ was for two Brothers so closely linked
 “ in Friendship as well as Affection ; yet
 “ I thought it less afflicting, less insup-
 “ portable than a Farewel, which must
 “ so quickly have succeeded our first Salu-
 “ tation.

“ Do, if you can, what I have not
 “ the Power to do my self, I, whom
 “ you formerly took to be so firm and
 “ immoveable ; rouze your Courage, ani-
 “ mate your self, and bravely meet the
 “ Assault, if there be any for you to
 “ encounter. I hope, if my Hopes are
 “ of any account, that your own In-
 “ tegrity,

“tegrity, the publick Good-will, and
“some Remains of Compassion for
“me will protect you.

“When once you are deliver’d from
“all Fears in regard to your self; you’ll
“act for me, as far as you think it ex-
“pedient. This brings to my Mind a
“great many Things from several Per-
“sons, who all endeavour to persuade
“me that my Case is not desperate. For
“my own part, I can see no Grounds
“for any Hopes, not the least Glimpse
“or Dawning of auspicious Fortune;
“my Enemies are as potent as ever:
“Such of my Friends, as have not be-
“tray’d me, have deserted me, and per-
“haps they may now apprehend, that
“my Return would expose their Cow-
“ardise. Let things be as they will, do
“what you can to discover the Truth,
“and conceal no part of it from me.

“In the mean time your Dangers will
“make me endure Life, as long as my
“Life can be servicable to you; setting
“that Consideration aside ’tis insupport-
“able: For Virtue and Philosophy
“with all their defensive Ramparts are
“not Proof against so many Batteries
“and violent Assaults. There was a
“Time indeed, when I might have died
“more honourably and more seasonably;

“ but I let that Crisis slip ; I committed
 “ many other Oversights and Indiscre-
 “ tions. But why do I recal things past ?
 “ To what Purpose does it serve, but to
 “ oppress you with Grief, and cover me
 “ with Confusion ? There’s no Occasion
 “ for deliberating in my present Circum-
 “ stances ; it would be the most extreme
 “ Cowardise to prolong the Thread of
 “ such a miserable Life beyond the Term
 “ of your Occasions, or of some well-
 “ grounded Expectations. In short, after
 “ having been the happiest Man in the
 “ World in a Brother, in my Children,
 “ in my Wife, in Possessions, and in the
 “ Nature and Quality of those Possessi-
 “ ons ; after having been equal in Ho-
 “ nours, Credit, Reputation and Favour
 “ to the most considerable of those, that
 “ have preserved all the Advantages,
 “ which I have lost ; after all this, I say,
 “ Life is a Burden, especially if I have
 “ no part to act in it, but to bewail my
 “ self and my unhappy Dependants.

* *Quintus*
 was going “
 to borrow “
 Money in “
 his own “
 Name for “
 the Assist- “
 ance of his “
 Brother “
Cicero.

“ What do you mean by * borrow-
 ing of Money ? don’t I already subsist
 upon your Effects ? That’s one of the
 “ Troubles that particularly preys upon
 me, ’tis the bitterest thing I have to
 reproach my self with ; for ’tis I that
 “ have reduc’d you to the Necessity of
 “ feeding

" feeding your Creditors with your own
 " and your Son's * Substance, by wasting
 " in fruitless Expences all your Money,
 " which I receiv'd from the publick
 " Treasury, excepting only what I paid
 " by your Order and on your Account
 " to *Mark Anthony* and to *Cæpio*.

* In the Latin *Visceribus*.

We are to understand by this, that

Quintus was oblig'd

" I HAVE as much as I shall want for
 " the future; whether I be recalled, or
 " not recalled, I shall have no further
 " occasion for Money.

to mortgage his own Estate for the Payment.

" IF your Affairs should take a bad
 " turn, I would advise you to have Re-
 " course to *Crassus* and * *Calidius*. As
 " for *Hortensius*, I dont know whether
 " you can safely rely upon him; thus
 " much I can say, that by the deceit-
 " ful Appearances of Friendship, which
 " his great Officiousness and Assiduity
 " made me think the more sincere, he
 " and his † *Q. Arrius* have barbarously
 " brought me to the wretched Circum-
 " stances I am now in: 'Tis to their
 " Counsels, Promises, and Instructions
 " the long Train of my Misfortunes is
 " owing. You must however take no
 " Notice of it, lest you draw them up-
 " on your Shoulders, which is a Dan-
 " ger you must carefully shun. I think
 " it adviseable for you to go yet far-
 " ther, and endeavour by *Atticus's* means

* *M. Calidius* who was Prætor the Year following.

† An in-different Orator.

* Lex
Aurelia de
Tribunis
plebis.
 This Law
 was pro-
 cur'd by
C. Aureli-
us Cotta.
 It restor'd
 to the Tri-
 bunes the
 right
 which *Syl-*
la had ta-
 ken from
 them, of
 being ca-
 pable to be
 elected to
 other Offi-
 ces of Ma-
 gistracy.

“ to gain *Hortensius* over to your In-
 “ terest, lest that Article of the * *Au-*
 “ *relian* Law, which was objected against
 “ you, when you stood for the Edile-
 “ ship, under some false Colour or other
 “ should be applied to you ; for I’m a-
 “ fraid of nothing so much as their be-
 “ ing excited to persecute you, in Con-
 “ sideration of the Influence your So-
 “ licitations would have in my behalf,
 “ if you were once out of Danger your
 “ self.
 “ I believe! *Messala* to be in your Interest.
 “ As to *Pompey*, I believe him false
 “ according to Custom ; I wish his False-
 “ ness may not affect you ; I would im-
 “ plore that Favour of the Gods ; but
 “ the Gods are become inexorable to
 “ my Petitions. However I cease not
 “ to repeat my Supplications, that they
 “ would at length be satisfied with the
 “ numberless Afflictions that lie upon me,
 “ Afflictions, which I have no Reason to
 “ blush at, because I have not deserv’d
 “ them : On the contrary I suffer only for
 “ having done too well, which is the cru-
 “ elest Circumstance in all my Calamity.
 “ I don’t recommend my Children
 “ to you, they are as dear to you as
 “ to my self. You are as much trou-
 “ bled, as I am, to see them Orphans ;
 Orphans

" Orphans did I say? I beg Pardon,
 " they will never be Orphans so long as
 " they have you. I wish I was as sure of
 " the Rest, *that is*, I wish I was as sure
 " of dying in the Bosom of my Coun-
 " trey. I'm persuaded you'll not be
 " wanting in your kind Offices to
 " *Terentia*. Inform me exactly how all
 " things are. Be couragious and hold
 " out as long as possible, as long as the
 " Exigence of Affairs shall require it.
 " *Theſſalonica* the 13th of *June*.

WE see by this Letter *Cicero* did
 not know his Brother was yet arrived
 at *Rome*, much less in what manner
 he had been received. 'Tis certain the
 Reception he met with was one of those
 happy Incidents, which human Prudence
 had no hand in, which are often brought
 about by secret, unknown Causes, at a
 time, when all our Wisdom and Poli-
 ticks seem to fail us.

NEITHER did he know what Effects
 his Letter to *Pompey* had produc'd; he
 expected his Answer with a great deal
 of Impatience, which was still enhanc'd
 by the Doubts he had of his Sincerity.

Ad Pompeium mitte, Hortensium allice & ejusmodi viros.

3. ad Att. 9.

Dion. Hist. lib. 38.

P 4.

IT

IT was to no purpose *Pompey* seem'd to pass by the first Affront that *Clodius* had put upon him; *Clodius* was not a Person that would recant or scruple to aggravate his Offence by repeated Injuries, whenever he could meet with a favourable Opportunity.

* M. Terentius Culleo, who was likewise a Member of the College of Pontiffs.

POMPEY, not being determin'd what Course he should take in order to do himself Justice, was willing to consult some of his most intimate Friends upon the Subject. * *Culleo*, one of the Tribunes for that Year, to whom he address'd himself, advis'd him above all things to divorce *Julia*, being persuad-ed that *Cæsar* was equally concern'd with *Clodius* in all his Transactions; that consequently their Union was too strict to admit of his being reveng'd on the one without breaking off with the other. But *Pompey*, who knew the State of that Union better than *Culleo*, and who was excessively fond of *Julia*, and had no mind to quarrel with *Cæsar*, did by no means approve of this Advice. This would have been too ha-

Cn. Pompeium diutius furori suo veniam daturum non arbitrabatur. *Pro Domo.* 66.

Plut. Vit. Pomp.

zardous a Step at that time; he would by this means have had an Enemy the more, have rendered *Clodius* the more formidable, and have lost the Advantage of *Cæsar's* Consent to the pulling down of that Madman, who was only supported by the general Opinion of his being protected by *Cæsar*.

POMPEY took a wiser and safer Resolution, which was to declare himself in favour of *Cicero*; by that means he regain'd the Affections of the Senate and all the honest Party; he rightly concluded, that by lending them his Example and Interest in the Measures that were to be taken in relation to our Orator, he should infallibly bring down *Clodius's* towering Presumption, who triumph'd in nothing so much, as in keeping *Cicero* banished in spite of their Opposition.

As soon as *Pompey* had explain'd himself and made known his Sentiments, there was no longer any doubt, but

Hic aliquando seriùs, quàm ipse vellet, Cn. Pompeius excitavit illam suam non sopitam, sed suspitione aiquâ retardatam consuetudinem Reip. benè gerendæ. — accessit ad causam publicam. *Pro Sext.* 67.

Fieri quædam ad meliorem spem inclinatio visa est. *Ibidem.*

Cicero

Cicero would quickly be recall'd ; because, supposing *Pompey* assur'd of *Cæsar's* Concurrence, there was no Prospect that *Clodius*, when left to himself, could grapple with the Senate, the Equestrian Order, his own Colleagues and indeed all the People of Distinction in *Rome*.

IT may be said then, there was at this time a thorough Change, if not in the Wills, yet at least in the visible Dispositions of all the Orders of the Commonwealth : That 'dreadful Silence, which had been kept for two Months on account of *Cicero's* Misfortune, was now broken ; his true Friends spoke first, the rest followed ; Indifference was now unseemly and criminal ; in a word, *Pompey's* Declaration broke the Charm, and gave Spirit and Activity to Thousands that had neither Life nor Motion before.

NOTHING less than this could have secured *Q. Cicero* from the Prosecutions prepared against him, which indeed, 'tis obvious, he had given too much Occasion for, especially during the two first Years of his Administration. Several Proofs of this might be drawn from that excellent * Letter, which our Orator wrote to him upon that Subject not long before.

* 'Tis the first of the first Book of Letters address'd to *Quintus*.

QUINTUS at his return to *Rome*, the Respect of the Publick restraining his Accusers at that time, was receiv'd by multitudes of Friends and others, who went out to meet him: The great Conflux and Crowds of People made his Entrance in some sort look like a Triumph, if the Tears, that were shed in Memory of the absent *Cicero*, could have represented the Acclamations, which accompany those festival Solemnities.

ATTICUS took this Opportunity, when *Quintus* was at *Rome*, to make a Journey to *Epirus*, where his own particular Affairs required his Presence, which he could not attend sooner without Prejudice to *Cicero's* Concerns. But being now able to deposit them into such good Hands, as those of his Friends, Brother, and his own * Brother-in-Law, he prepared all things for his setting forward the first of *June*, which was the same Day, on which the first Motion was made in the Senate for recalling our Orator.

* By *Pomponia Atticus's* Sister married to *Q. Cicero*.

Huic ad urbem venienti tota obviam civitas cum lachrymis gemituque processerat. *Pro Sext.* 68.

Tu si, ut scribis, Kalend. jun. Româ profectus es, propediem nos videbis. 3. *ad Att.* 9.

I DON'T exactly know how long it was before this, that *Pompey* made his Declaration; I shall only observe, that this Affair being liable in its Nature to the greatest Difficulties, and yet so ripen'd as to be brought before the Senate within two Months after it had happened, we cannot suppose there was any time lost in the Preparation: We ought on the contrary to presume, that it was push'd on by *Cicero's* Friends, with as much Vigour and Vivacity, as he reproach'd them with Indolence and Inactivity.

NOTWITHSTANDING all Magistrates, as well as others, were forbidden ever to propose any thing upon this Subject, yet the same * Tribune, who had so eminently distinguish'd himself on his account before, did with *Pompey's* Consent solemnly move the Senate to recall *Cicero*, which Motion was very graciously received by that illustrious Assembly. But as it was necessary, according to the Rules of the House, that the thing should be propos'd by the Consuls

Decrevit Senatus frequens de meo reditu Kal. Jun. dissentiente nullo, referente L. Ninnio. Intercessit Ligur iste nescio quis, additamentum inimicorum meorum. Res erat & causa nostra eo jam loci, ut erigere oculos & vivere videretur. *Pro Sext.* 68.

them-

themselves, just as the House had resolv'd to address the Consuls upon that Article, another Tribune, called *P. Aelius Ligur*, (an obscure Person, whom *Clodius* had drawn over to his Party after *Cicero's* Departure) oppos'd their Resolution contrary to most People's Expectation, who thought him as much in our Orator's Interest, as the other eight of his Colleagues.

THO' this Opposition suspended our Orator's Return, yet it did not hinder the World from making auspicious Presages of it; their Hopes were still heightned and their Expectations confirm'd, when they found *Clodius* and his Adherents begin to be baffled in their Enterprises, cast in all their Causes, to wish they had not meddled in *Cicero's* Banishment, and even publicly disown they had been instrumental in it.

ON the other hand the Senate not only spoke of his Affair with great Boldness and Freedom, but absolutely refus'd

Quisquis erat, qui aliquam partem sceleris Clodiani attigisset, quocunque venerat, quod judicium cunque subierat, damnabatur. Inveniebatur nemo qui se suffragium de me tulisse confiteretur. *Pro Sext. 68.*

Omnia Senatus rejiciebat, nisi de me primum Consules retulissent. *Ibidem.*

to vote or enter upon any other Business, till the Consuls had brought that under their Consideration, that Body not having the Power of decreeing decisively upon any Matter, before the Consuls (its Head) had made their Report of it.

THE Consuls refus'd to meddle with it, and persisted in their Refusal upon the Pretence of its being contrary to Law. *Piso* more particularly was inflexible, and resisted the Instances of his Kinsman, *Cicero's* Son-in-Law, and the Importunities of all his Friends with more Obstinacy than ever.

NOTHING can be more palpable than the ridiculous Absurdity of such a Scruple in a Man, that had made no Scruple of promoting the passing of that pretended Law in Contempt of all others, whose Authority surely deserv'd at least as much Reverence, as the Authority of this. But any thing will serve, when a Man only seeks for Pretexts; he is not ashamed of the most stupid, extravagant Allegations, when he thinks his Office and Authority will make them pass.

Legem illi se Clodiam timere dicebant. *Pro Sext. 69.*

CICERO

CICERO had received no Intelligence of what had pass'd in the Senate relating to him, but only from flying Reports of uncertain Authority. Under this Uncertainty he wrote to *Atticus* the 28th of *June*, who was then in *Epirus*, and consequently less capable of giving him an exact Information of the Particulars he wanted to know.

TEN Days before this *Cicero* had complain'd to him of his having upbraided him with his Weakness: He now reiterated his Complaints, but express'd them in a cooler Manner, and in such Terms, as might serve to correct those of his preceding Letter.

*" I beseech you, says he, don't reproach
" me; for when you do, you are too se-
" vere: I wish you would be more
" indulgent, and oblige me with gentler
" Marks of your Affection.*

A GENTLEMAN of this Age, who perhaps has examined into the Malignity of human Nature, as far as ever any Man did, whom I shall forbear to name, because not thinking him so just in his

Acta quæ essent usque ad 8. Kal. Jun. cognovi ex tuis literis: Reliquas expectabam. 3. ad Att. 10.

Objurgare vero noli: Quod cum facis, ut ego tuum amorem & dolorem desidero! 3. ad Att. 11.

Appli-

Applications, as he is ingenious in his Reflexions, I am generally oblig'd to contradict him, has taken Occasion from this Passage to give us new Proofs of the Prejudice, which he has often discovered himself to have against *Atticus*.

“ I N order to examine, says he, whether *Cicero's* Sentiment be reasonable, we must distinguish between the two different Conditions, that Men may be in, when they are reprov'd by their Friends: We confess 'tis very often a great Demonstration of Friendship to reprove them, and that with more or less Severity according as they give Occasion for it, or according as their Condition requires it: But this sort of Duty, methinks, is to be limited to such Persons only as are at ease in their Circumstances, under no considerable Affliction of Body or Mind, such, as abuse their Prosperity, or are insensible of their Happiness. There is no Reason in the World. to spare those, that are in this Condition, and stand in need of Reproof; and considering how untractable and incorrigible People generally grow by Prosperity, all our Reproofs and Counsels will be utterly thrown
“ away

“ away upon such Persons, if they be
“ not urged home with a sharp and
“ wholesome Severity. Therefore those,
“ that are their true Friends, and are
“ not blinded with that Prosperity, as the
“ Parties themselves are, would be inex-
“ cusable, if they did not do them that
“ strict Justice, how harsh or vigorous
“ soever it might seem. But the Case
“ is very different, when our Friends
“ are in unhappy Circumstances, and
“ labour under any Affliction of Body
“ or Mind. The Admonitions they
“ receive in such a Condition don't
“ fail of making their Impression, how
“ gently soever they are given; because
“ Nature, which always endeavours to
“ help and relieve it self, readily em-
“ braces any thing, that has the least
“ Appearance of being serviceable:
“ Therefore to reprove them roughly is
“ extremely unseasonable, as well as
“ unkind: For tho' they should stand
“ in need of Reproof in such a Situa-
“ tion, yet, if we have a real and sin-
“ cere Affection for them, we shall be
“ more inclin'd to sympathize with them
“ in their Pains, and to partake of their
“ Afflictions: The Misery of any Ob-
“ jects whatsoever naturally excites Senti-
“ ments of Compassion and Tenderness;

Q

but

“ but how much more, when the suffer-
 “ ing Object is our Friend? Is it possible
 “ to reprove such a one harshly, when
 “ we our selves are so sensibly touched
 “ with his Affliction? When our Heart
 “ is thus affected, what soft and gentle
 “ Ways will it not seek out to convey
 “ the Admonition, which we think
 “ proper for our Friend, to make him
 “ sensible of his Errors? If Men really
 “ act with this Tenderneſs and Indul-
 “ gence, 'tis becauſe in truth they ſeldom
 “ love thoroughly and ſincerely.

THESE are undoubtedly very excel-
 lent Maxims; and particularly that Diſtinc-
 tion of Conditions, with regard to which
 all Reproof ought to be qualified, is both
 very humane and judicious: But if true
 Friends be exceeding rare, ſuch as have
 the Courage to rebuke the Pride of Pro-
 ſperity by reprimanding the Perſons,
 that are blinded with it, are ſo rare too,
 that it was almoſt unneceſſary to men-
 tion them; and with ſubmiſſion to the
 Author of theſe Reflections, I think he
 might have ſav'd himſelf the Labour of
 preſcribing Rules for the Conduct of
 two Friends in ſuch Circumſtances, as
 thoſe were of *Cicero* and *Atticus*, the
 one in a State of great Anguiſh and
 Diſtreſs,

Distress, and the other of hearing his Wailings and Complaints.

FOR as to Admonition or Advice, we don't find the latter ever took upon him to give the former any other, than what tended either to his Safety or Consolation; and it would be highly unjust not to acknowledge, that in that, as well as in every thing else, he fulfill'd the Office of a perfect Friend.

THE thankful Acknowledgments, which *Cicero* himself returns him on account of *Terentia*, undoubtedly refer to some other more particular Obligations, which can be nothing less than a constant, assiduous Care of all that belong'd to our Illustrious Exile.

BUT as to the manner of answering such Complaints, as *Cicero's* Letters were full of, I should think we might with more Reason lay it down as a Principle, that when the Dejection of our Friends so far exceeds the Measure of their Misfortunes, that it is rather a Mark of unreasonable Delicacy or an inordinate Impatience, than the natural Impression or Effect of their Calamities, we are not oblig'd to cherish and humour their Weakness, and dissemble the Injury they do themselves by their excessive Affliction, their perpetual Complaining, their Tears

and Lamentations, which extreamly disparage them and derogate from their Dignity, render them the Laughing-stock of indifferent Persons, and expose them to all the satyrical and malicious Reflections of their Enemies.

CICERO's Consternation was no Secret to any Body; the first Steps of his Procedure, his rash going into Mourning, his Flight and all his subsequent Behaviour sufficiently declar'd it beforehand; new Proofs of it were daily brought to *Rome* from all Parts; in short every body knew, that *Cicero* was so extreamly dejected and heartless, that he was not to be known. *Atticus*, who was more sensible than any other what Consequence these Reports would be of to his Friend, could not forbear telling him his Sentiments; this is what *Cicero* call'd Reproaches, upon which this Commentator too much prepossess'd in favour of our Orator gives him the Cause unjustly, in my Opinion, against *Atticus*.

FOR tho' I confess we cannot use a wounded Spirit with too much Caution and Tendernefs, yet certainly the Duties of Friendship are not confin'd to such soft, effeminate Compliances: Otherwise we might for the same Reason depart from the true Regimen in Physick, and
humour

humour the Patient's irregular Appetite with every thing he should desire, tho' never so contrary to his Case and pernicious to his Health; we might likewise by the same Reason tax *Atticus* with Breach of Friendship, for not consenting to go to *Cicero*, when he so strongly importun'd him; *Atticus*, I say, who could not give our Orator more essential Proofs of his Affection than by staying at *Rome* to solícite his Return, and take Care of his Affairs.

THE Person of a Friend unjustly persecuted and distress'd certainly requires more Forbearance, more Gentleness and Complaisance from us, who doubts or denies it? But would it not be the greatest Rashness to accuse *Atticus* of any Deficiency in those Particulars, or of any Remissness in any Point of Friendship, where his Cares had a more essential Object than imaginary Troubles?

I GO yet farther, and maintain, that considering the Intimacy that *Roman* Knight had with Persons of the greatest Rank and Distinction, Persons, that were not affected in the same manner, as he was with the Reports of *Cicero's* Dispiritedness and Dejection; considering all this, I say, his Friendship for our Orator must have been of a very different Com-

plexion from ordinary Friendships to continue so pure, so perfect and so active, as we are morally sure his did continue to the End. There are few Friends, that hold out in time of Calamities and Disgrace; if they condescend to participate with us in that, 'tis a great Effort; but if our Misfortunes bring us into Contempt and Ridicule, I am bold to say the Friendship, that does not split upon that Rock, is a Prodigy.

I N a word, if *Atticus* did signify to *Cicero*, that he did not approve of his perpetual, melancholy Lamentations, it was only for fear of the ill Consequences they would be of to his Friend; it was not done with the air of a Censor, or the Spirit of a Pedagogue, as the Gentleman unjustly imagines, whose Prejudice in that Particular I take the liberty to oppose. To which I add, that, if we will take the Trouble of comparing the Dates, we shall find, that *Atticus* always took a proper Opportunity to represent his Sentiments, and never ventur'd to send them without correcting and qualifying their Severity with some other palatable Ingredient, and some Article or other of good News.

B U T *Cicero* seem'd sometimes to take neither the one nor the other in good part;

part; for when *Atticus* acquainted him with the Resolution the Senate had taken, of entring upon no Debates or Business whatsoever, till the Consuls themselves had propos'd his Return, *Cicero* only returned him this ironical Answer, " 'Tis very likely indeed the Senate would suspend all Business upon that Account: But adds he in the same Letter, which bears Date the 17th of July, " you flatter me with a Prospect of Hopes after the * Elections: What Hopes can there possibly be, when *Clodius* continues ^{* Of Tribunes.} Tribune, and that other Enemy is nominated Consul? The intercepting of that Oration gives me terrible Apprehensions: Do whatever you can to prevent the ill Effects of it—As it is more negligently wrote than the rest of my Compositions, methinks it would not be amiss to deny it to be mine.

FOR the better understanding of these

Tu quidē sedulo argumentaris, quid sit sperandum, & maximē per Senatum: Idemque caput rogationis proponi scribis, quare in Senatu dici nihil liceat: Itaque filetur—Spem ostendis secundum Comitia; quæ ista est eodem Tribuno Plebis & inimico Consule designato? Percussisti autem me etiam de Oratione prolata; cui vulneri, ut scribis, medere, si quid potes—Et quia scripta mihi videtur negligentius, quàm cæteræ, puto posse probari, non esse meam. 3. ad Att. 12.

three Articles, we are to know the *Romans* had a Law, which allow'd the Tribunes to be continued in their Office, when they had no other Magistracy to confer upon them. And as this Continuation could not be refused, if they insisted upon it, *Cicero* justly apprehended, that *Clodius* would rather choose to continue Tribune the ensuing Year, than to risk his being disappointed of the Edileship.

By that Enemy, who was design'd Consul, *Cicero* means *Q. Metellus Nepos*, Brother to that other *Metellus*, who was Consul the Year 693. This *Metellus Nepos* was the Person, who, as I have already observ'd, had hinder'd *Cicero* from giving the People an Account of his Administration in his Consulship, pretending a Man, that had put *Roman* Citizens to Death without any form of Justice, could have no Merit or Service to boast of. This Passage alone is sufficient to shew us his malignant Disposition, and to justify the Alarms *Cicero* was under in Regard to him.

Dixerat. ei qui in alios animadvertisset indictâ causâ,
dicendi ipsi potestatem fieri non oportere. 5. Famil. 2.

BUT

BUT he presaged better things of *Lentulus*, who was surnamed * *Spinther*. * *Spinther* was the Name of a Comedian whom this *Lentulus* very much resembled in his Face. And the Reason he had to promise himself good things from him was exactly the same, as made him apprehend the worst from his Colleague: For as there was no Probability the latter would, when Consul, renounce the Principles he acted upon, when Tribune, so was there no Reason to fear, that *Lentulus* would violate the exact Probity he had always profess'd, of which he had given signal Testimonies on many Occasions; especially when he was *Ædilis Curulis* under *Cicero's* Consulship, wherein he bravely seconded all his proceedings, his Impartiality was so remarkable, that when *Lentulus Sura*, his second or third Cousin, was taken up, as one of the principal Conspirators, they made no Scruple of committing him to his Custody. He was likewise one of *Clo-dius's* Judges in the Affair of his Sacrilege, and gave Judgment against him to the utmost Rigour of the Laws. After he had been Pretor, he was sent to com-

An ego cùm mihi esset exploratissimum P. Lentulum proximo anno Consulẽ futurum, qui illis ipsis periculossimis temporibus Ædilis Curulis me Consule omnium meorum consiliorum particeps, &c. *Post red. ad Q. 15.*

mand in *Spain* on this side the *Ebre*, and only returned to stand for the Consulship, which was given him with an unanimous Consent, as it could not well be refus'd to a Person of his conspicuous Merit, as well as Extraction, whom his Enemies could not reproach with any thing in the World unless some excess of Magnificence, in which Particular, relating to the Sports he had exhibited to the People in his Edileship and Pretorship, he surpassed all his Predecessors.

I FIND one thing however very remarkable in relation to him, which is that *Cicero* in a Letter, that he wrote to him some Years afterwards, acknowledges there was a time when he thought him not very propitious to his Glory, because he had not the Happiness to be descended from so illustrious a Family. This Suspicion exactly agrees with the Confession he makes to his Brother *Quintus* in a Letter not dated, which certainly must belong to the time we are speaking of, wherein he tells him, he shall be indebted to him in some measure for the good Offices he expected from *Lentulus*; "but, adds

Simul quod video non, ut antea putabam, novitati esse
invisum meæ. 1. Famil. 7.

"he,

" he, good Words are cheap; 'tis easier
 " to promise than to perform.

As for the intercepted Oration, it was a kind of Invective against **Curio* and *Clodius*; but as it never had been spoken in publick, as *Cicero* had only made it by way of recriminating upon them, had taken care to suppress all the Copies of it, as far as he could, had never examin'd or revis'd it, and was under a necessity of keeping Measures with **Curio*, he flatter'd himself the Negligences, that had escaped him, would justify the disowning of the Discourse. This Circumstance proves, that *Cicero* labour'd his Compositions, and ought to make those Writers ashamed, who glory in extemporary Performances; and the more so, for as much as *Quintilian* observes, that *Cicero's* Orations have so easy an Air, and so little Appearance of being labour'd, that he might easily have made the World believe they cost him very little Study.

* Both
 Compani-
 ons in De-
 bauchery.

* Because
 he was a
 young
 Man of
 great Inte-
 rest and
 Repute.

WHILST *Cicero* was at *Thessalonica*, he had at least the Consolation of meet-

Credo tuâ causâ velle Lentulum, qui erit Consul, quan-
 quàm sunt facta verbis difficiliora. 1. ad Q. fr. 4.

Scripsi equidem olim ei iratus, quòd ille prior scripserat;
 sed ita compresseram, ut numquam emanaturum putarem.
 3. ad Att. 12.

ing with the kindest Treatment from *Cn. Plancius*, who resided there in Quality of Questor of *Macedonia*. He not only despised the Fear of incurring the Penalties of the Law for *Cicero's* Banishment, but thought himself oblig'd to shew a Person of his Merit, as well as of Consular Dignity, all possible Demonstrations of Respect. As soon as ever he had Notice of his Arrival, he dismiss'd his Guards, and went to meet him as a simple, private Man, and conducted him from *Dyrrachium* to his House, where he entertained him in so honourable a manner, and with so much Distinction, that it afterwards procur'd him the publick Thanks of the Senate.

* Now * This honest, worthy Man was born at *Atina*, a City of *Campania* at the Foot of the *Appennine-Hills*, descended from an antient Family of the Equestrian Order. He had serv'd in the Wars from his earliest Youth, first in *Africa*, then in *Crete*, afterwards in *Macedonia* in the Quality of a Colonel, or Military Tribune, after which he was made Questor of the Province.

Simul ac me Dyrrachium attigisse audivit, statim ad me Licioribus dimissis, Insignibus abjectis, veste mutata profectus est. *Pro Planc.* 98.

HIS

HIS Attachment to our Orator did not a little contribute to make him stay longer at *Theſſalonica* than he intended, for the great Refort of People to that famous City, which expos'd him to the View of infinite Numbers, that came from all Parts, from whom he would have been glad to conceal the Knowledge of his Condition, would have made him quit it much ſooner; not to go to *Epirus*, as he had promiſed *Atticus*, for ſome bad News he had receiv'd from *Rome* diverted him from directing his Courſe towards *Italy*, but in order to paſs into *Asia*. However he did not execute his Deſign, being inform'd he could not be ſecure, if he went thither, from the Ambuſhes of *Autronius* and the other Out-laws; therefore he continued at *Theſſalonica*, till his Affairs recover'd a better Aſpect, by which he not only ſhew'd his Regard

Non commovi me adhuc Theſſalonicâ, ſed jam extrudimur ab ipſo loco minimè appoſito ad tolerandam in tanto luctu calamitatem. In Epirum ideò, ut ſcripſeram, non ivi, quòd ſubiti mihi nuntii, &c. 3. ad Att. 13.

Nos in Aſiam convertemus. *Ibidem*.

Quod ad te ſcripſeram me in Epiro futurum, mutavi conſilium; non me Theſſalonicâ cominovi. 3. ad Att. 14.

Me Pomponius & Sextius & Piſo noſter adhuc Theſſalonicæ retinuerunt, cùm longiùs diſcedere propter neſcio quos motus vetarent. 2. ad Q. fr. 4.

In Aſiam ire nolui. 3. ad Att. 19.

for

for the Affection, which *Plancius* testify'd to him by the most obliging Assiduity and a thousand good Offices, but likewise follow'd the Advice of *Sextius*, *Atticus*, and his Son-in-law *Piso*, who for the sake of serving him at *Rome* had renounc'd the Questorship of *Pontus* and *Bithynia*, which he was to have executed that Year: He did serve him indeed in a most effectual and virtuous Manner, but did not live to reap the Fruits of it; for he died before his Father-in-law return'd from his Exile.

P. SEXTIUS exerted himself with no less Zeal and Activity to promote *Cicero's* Return. His Father, though a Person of mean Birth, yet on account of his Probity had been a Tribune of the People at a time when that Magistracy was only given to Plebeians of the best Families; the Son of whom we are speaking, married a Daughter of *Scipio*, the *Asiatick*, who was banish'd by *Sylla* to *Marseilles*; he was first a Military Tribune, then Questor in *Cicero's* Consulship, to whom he communicated some Intelligence he had discover'd between *Cataline* and the Consul *Antonius*; the

Conspiracy, which broke out soon after, gave *Sextius* an Occasion of rendering many other signal Services: For after several Expeditions, he was employ'd in, of which he acquitted himself perfectly well, he was order'd to go and join the main Army of the Commonwealth, which was commanded by the said *Antonius*; and there he push'd forward the Operations with so much Briskness and Vigour, that a great part of the rapid, happy Success that attended, was owing to his Conduct. He was afterwards Questor in *Macedonia*, and was to have been Tribune the ensuing Year, in which Time *Cicero* receiv'd from him all the Succour and Service, that he could expect either from an affectionate Tribune, a kind Brother, or a true Friend; for *Sextius* not only gave him an entire Command of his Purse, his House, and all his Domesticks, but endanger'd his Life for him on many Occasions, and was not afraid of creating himself Enemies upon his Account.

CICERO, in the Letter which I have already quoted, desired his Brother to inform him, whether there was really no Prospect of his Return, in which Case he seem'd determin'd to finish his Sorrows by a voluntary Death; he signify'd
as

as much to *Atticus*, which confirms what I have several times repeated already, that he was under the greatest Consternation and Despondency.

We are not, however, to form our Judgment of his Resolution to die by his own Hands upon its Opposition and Repugnancy to our Morals: According to the Principles of the *Romans* in those times, there was nothing shocking in that Idea; on the contrary, it imported a certain Bravery and Generosity, which prompted them to take that Resolution in much lighter Afflictions than *Cicero's*.

BESIDES the News which *Cicero* received from *Atticus*, he had moreover other Channels of Intelligence; but whether it was, that his Correspondents at *Rome* did not so much buoy up his Hopes, as that Friend did, or whether they were not really so well inform'd of the State of Things, as *Atticus* was by his Correspondents; however it was, I say, *Cicero's* Accounts and his seldom agreed, insomuch that the former persisted in his Dejection and Despair, whilst *Atticus*, who received very hopeful and encouraging Intelligence, appre-

Ego vitam, quoad putabo tuæ interesse, retinebo. 2. ad
Q. fr. 4.

hended

hended his Grief had somewhat turn'd his Brain and disordered his Imagination.

CICERO at once received four of his Letters, all which he made answer to by that he wrote the 19th of *August*. By the first of those Letters *Atticus* exhorted him to have more Firmness and Resolution; by the second he let him know, that an enfranchis'd Servant of *Crassus's* had reported, that he was extreamly cast down with his Affliction, and most strangely wasted and fallen away; in the third he communicated to him what had pass'd in the Senate the first of *June*; and by the fourth assured him upon *Varro's* Testimony of the favourable Dispositions both of *Cæsar* and *Pompey*.

To the first he answers, amongst other Things to apologize for his Excess of Sorrow, "*That never any Person was*
 "*depriv'd at once of so many Advan-*
 "*tages, and plung'd into so much Mi-*
 "*sery; that Time, instead of diminish-*
 "*ing, only serv'd to enhance and sharpen*
 "*the Sense of his Unhappiness.*"

BUT there was really nothing in

3. ad Att. 15.

Hoc confirmo neque in tantis bonis esse privatum quemquam, neque in tantas misérias incidisse. 3. ad Att. 15.

his Case, but what might happen to any other, who falls from a very prosperous happy State, into a very unfortunate, miserable Condition. But Men are always apt to imagine there is something singular and extraordinary in their own Misfortunes, either because they think it a sort of Honour to undergo a particular Destiny made on purpose, as it were, for them, or else they think only by that means to justify their own Impatience and unreasonable Sensibility; as if the singularity of a Misfortune, if it were singular, was any certain Testimony of its Greatness, or, as if there were not a great many common ones more grievous and cruel than those, that may be more uncommon and extraordinary.

CICERO answers very modestly, and in few Words, to the other three Letters, “ *I can't believe (says he) that* “ *Crassus's Servant spoke in earnest. You* “ *tell me Wonders in regard to the*

Crassi Libertum nihil puto sincerè locutum. In Senatu rem probè scribis actam: sed quid Curio? an illam Orationem non legit? Quæ unde sit prolata nescio. Sed Actius ejusdem diei scribens Acta non ita laudat Curionem: At potest ille aliquid prætermittere: Tu, nisi quod erat, profectò non scripsisti. Varronis sermo facit expectationem Cæsaris: Atque utinam ipse Varro incumbat in causam, quod profectò cum suâ sponte tum te instante faciet. 3.

ad Att. 15.

I

“ *Pro-*

" *Proceedings of the Senate ; but can*
 " *you assure me, that Curio has not seen*
 " *that unlucky Oration? I can't imagine*
 " *which way it could fall into their*
 " *Hands. But what I wonder at, Ac-*
 " *tius does not in his Letter so much*
 " *magnify the good Offices of Curio ;*
 " *but he probably might omit to mention*
 " *some Particulars ; for I am sure you*
 " *would not have been so positive upon*
 " *that Article, if you were not sure of*
 " *it. What Varro told you, gives me*
 " *some Hopes of Cæsar ; I wish Varro*
 " *would heartily undertake to make him*
 " *propitious : He is of himself inclin'd*
 " *to that good Office, your Influence will*
 " *make him engage in it with more*
 " *Vigour and Affection.*

AFTER this Cicero enters into a kind of Explanation with Atticus, which I think perfectly agrees with what I have already remarked in relation to both their tempers.

" IF I have offended you in any re-
 " spect, or rather since I have really been
 " so unhappy as to offend you, I beseech
 " you

Si quid in te peccavi, ac potius quoniam peccavi ignosce:
 In me enim ipsum peccavi vehementius. Neque ego hæc
 ed scribo, quod te non meo casu maximo dolore esse af-
 fectum sciam ; sed profecto, si quantum me amas & a-
 masti,

The HISTORY of

“ you forgive me. When I repeat
 “ things that are past, it is not that I
 “ entertain the least doubt of your Af-
 “ fection or your thorough Fellow-feel-
 “ ing of my Troubles? but if the Ten-
 “ derness you have, and always had for
 “ me, had not diverted you from the
 “ consideration of my true Interest, you,
 “ that are blest with so great a Share
 “ of Wisdom and Discretion, would have
 “ assisted me with your Counsel, and
 “ never have suffered me to be persuad-
 “ ed, that the Law concerning Com-
 “ munities would tend to my Advantage.
 “ You have wept indeed over my Af-
 “ flictions; but Tears don’t wash away
 “ Sorrow. Perhaps I was not worthy any
 “ other Pledge of your Friendship; per-
 “ haps it was unreasonable in me to ex-
 “ pect you should perplex your Thoughts
 “ Day and Night with considering
 “ what was prudent for me to do; or
 “ perhaps it was more my own Fault
 “ than yours, that you did not give your

mâsti, tantum amare deberes ac debuisses, nunquam esses
 passus me, quo tu abundas, egere consilio? nec esses passus
 mihi persuaderi, utile nobis esse Legem de Collegiis perfer-
 ri. 3. ad Att. 15.

Sed tu tantum lacrymas præbuiisti dolori meo, &c. 3. ad
 Att. 15.

" self that Trouble. In that fatal Minute,
 " when *Pompey* so stiffly rejected my Sol-
 " licitations, I wanted a Friend, that
 " would have diverted me from the
 " shameful Resolution I then took; and
 " who so proper to make me quit that,
 " as your self? Then I should either
 " have died with Honour, or have con-
 " quered all Difficulties before now.
 " You'll pardon this frank Declaration;
 " for I condemn no body so much as
 " my self; I impute no part of it to
 " you but as to another *Self*, with
 " whom I am willing to divide the
 " Blame. But my Return will justi-
 " fy us both, and set all things right;
 " All the Glory of our Friendship will
 " be yours; for you have made all
 " the Advances without receiving any
 " Returns from me.

WE find moreover, by the same Let-
 ter, that *Atticus* and *Culleo* had been
 consulting together how they might in-
 validate the Law, that was particularly
 made for *Cicero's* Banishment: But our
 Orator did not think that would be suf-

Quod te cum Culleone scribis de Privilegio esse locu-
 tum, &c. *Ibidem.*

Nec quicquam aliud opus est quàm abrogari; nam prior
 Lex nos nihil lædebat, &c. *Ibidem.*

ficient, and insisted that it was absolutely necessary to have it repeal'd; because the general Act which *Clodius* had procured to make it unlawful to put any *Roman* Citizen to Death before he was condemn'd by the People, was not capable of so extensive^a a Construction, as was put upon it by that particular Law.

“ 'Tis therefore necessary, says *Cicero*,
 “ to repeal this, for the former did not
 “ affect me; and though I had given
 “ my own Vote for it, yet if I had but
 “ taken no farther Notice of it, as I
 “ ought to have done, no Harm could
 “ ever have accrued to me from it.
 “ Then it was that I wanted Advice,
 “ or to speak more properly, had none
 “ given me, but what was pernicious.
 “ I was blind, I was infatuated both in
 “ my precipitate Mourning and hasty
 “ Sollicitations, which must necessarily
 “ do me great Injury, because I was not
 “ then attack'd.

WE read in the same Place, that *Clodius* had caus'd the Law to be hung up and expos'd to View at the Entrance of the

Scripsisti ad me quoddam Caput Legis Clodium in Curia
 poste fixisse, &c

Nunc Pomponi, quoniam nihil impertisti tuæ prudentiæ,
 &c. 3. ad Att. 15.

Place,

Place, where the Senate used to hold their Session, that all the Members of that Body might have the Prohibitions therein specified continually before their Eyes, *viz.* that nothing should be propos'd, offer'd or mentioned in Favour of *Cicero*: This was the thing that made him believe no Magistrate would venture to infringe it, or undertake any thing contrary to it, or at least that *Clodius*, if they did, would fall foul upon those that were so couragious.

AFTER having mentioned all these Difficulties, he concludes to stay at *Thessalonica*, till he hears the Result of the Assembly that was to be held the first of *August*, and finishes the Letter in these Terms. "Dear *Atticus*, since you thought
 " fit to repose the Care of my Safety
 " upon my own Shoulders, either because you had too good an Opinion of
 " my Discretion, or thought your own
 " more than my Friendship deserv'd;
 " since I have delivered my self up entirely into the Hands of Traitors, that
 " beset me, and by their deceitful Insinuations led me to a Precipice, and
 " you gave me no Advertisement of my
 " Danger; since I renounced all the Succours that were in my Power, and you
 " never urg'd me to make use of them;

R 4.

" you,

“ you, I say, whose Mind was certainly
 “ more at liberty and less clouded and
 “ darkned with Fears than mine must
 “ needs be at that time, summon all
 “ your Strength, and all your Powers
 “ and Faculties together to draw me out
 “ of this Abyss if it be possible; if not,
 “ I beseech you, either forbear reproach-
 “ ing me with my Weakness, or don’t
 “ palliate my Troubles by concealing
 “ my Misfortunes from me.

FROM these last words there arises a
 very natural Reflection, which is, that
 Grief, when it is at its full height, nei-
 ther considers, distinguishes, nor respects
 any body whatsoever. Without doubt
 the Person afflicted is only the more
 to be commiserated on that account:
 But why should *Cicero* spare *Atticus* a-
 ny more than so many other Persons,
 upon whom he throws in this Place the
 same Suspicions that he seem’d to re-
 nounce in the beginning of the Letter,
 where he says to his Friend, “ *As to those*
 “ *Persons, whom you justify from the*
 “ *Imputation of Treachery, you might*

Nam quòd purgas eos quos ego mihi scripsi invidisse,
 & in eis Catonem: Ego verò tantum illum puto ab isto
 scelere abfuisse, ut maximè doleam, plus apud me simula-
 tionem aliorum, quàm istius fidem valuisse, &c. *Ibidem.*

“ have

" have saved your self that Labour with
" respect to Cato; for I am so far from
" ranking him amongst my false Friends,
" that there is nothing I more heartily
" regret, than my being influenc'd by their
" fraudulent Persuasions more than by his
" plain Dealing: But since you think
" them all innocent, I ought to believe
" you know it to be true.

ATTICUS's Conduct in this Particular, notwithstanding it is so laudable, so full of Candour and Equity, has not however escap'd a certain Gentleman's Censure, whose Reasoning upon it I shall only recite without any further Animadversion.

" They, says he, who, like *Atticus*,
" desire to be well with all the World,
" are oblig'd to justify all the World
" indifferently. This carries with it an
" Air of Goodness and Moderation, which
" imposes at least upon three parts of
" Mankind: for most People have a
" violent Inclination to believe the Un-
" fortunate always in the wrong; and
" as all their Complainings are suspected
" to proceed from Passion, a false Friend,
" that appears dispassionate, is thought
" much more credible than they them-
" selves in the Judgment he makes of
" their Affairs. Besides the Blame he
" throws

“ throws upon them seems to enhance
 “ the Value of the Services he does them;
 “ for all Service appears the greater,
 “ in proportion as the Person, who re-
 “ ceives it, seems the less worthy of it:
 “ Now Friends of this sort will do Ser-
 “ vices and good Offices, that the Peo-
 “ ple may the more patiently bear with
 “ their Injustice and Partiality.

TOWARDS the latter End of *September* News was brought to *Cicero*, that they talk'd of prosecuting his Brother *Quintus* for the pretended Exactions and Oppressions he was thought guilty of in *Asia* during the time of his Government. This News seem'd to bring its Proof along with it, in as much as a

* The Son * Nephew of *Clodius's* was mentioned
 of a Bro- as one of his Accusers, and that † *Ap-*
 ther of *Clodius's*, *pius*, a design'd Pretor for the ensuing Year,
 called would by the Division of the Jurisdiction,
Caius, on, agreed on between him and his Col-
 now dead. leagues, have the Cognizance of Crimes
 † *Clodius's* of that Nature. In short the Thoughts of
 Brother. this Persecution were the more afflict-
 ing to *Cicero*, because he drew ominous

De Quinto fratre nuntii, nobis tristes. 3. ad Att. 17.

Fuisse sermonem de C. Clodii filio. *Ibidem*.

Sanè sum in meo infinito mœrore sollicitus, & eo magis, quòd Appii quæstio est. *Ibidem*.

Prefages

Prefages from it in Regard to himself; he look'd upon it as setting the last Seal to his Ruin, and as an infallible Sign of the Peoples Indifference to his Person.

HOWEVER tho' *Quintus*, as I have already observed, had given but too much occasion for the Accusations of his Enemies, yet as the Rumor, which was then spread about the Matter, was attended with no effects, 'tis very probable, that *Clodius* only gave out those Reports to intimidate the two *Ciceros*, and especially to divert the younger from his Sollicitations in favour of the elder.

IF these Rumors were soon dissipated at *Rome*, they still subsisted in *Macedonia*, and made a lasting Impression upon the Spirit of *Cicero*, who imagined he found a Confirmation of the News in the Letters he received from *Atticus*, because in them he discovered no Signs of that Haste and Forwardness for his Return, which they had testified before: But that which aggravated his Vexation, and was the principal Object of his Anxiety, was to know what would be the Fruits of *Sextius's* Negotiation with

Cætera, quæ ad me eisdem Literis scribis de nostrâ spe, intelligo esse languidiora, quàm alii ostendunt. 3. ad Att. 17.

Cæsar,

Cæsar, to whom he was sent into *Gaul*, as soon as he was nominated Tribune.

FOR *Pompey*, as much as he was inclin'd to favour *Cicero*, had made no other Advances yet, but only by way of Sollicitation and such other good Offices as are done amongst Friends, between one private Man and another. Before he set the greater Engines at work, he waited for the Return of *Sextius* to inform him of *Cæsar's* final Resolution. However *Pompey* was so well disposed to serve *Cicero*, that he had reserved to himself the Choice of a Tribune, who was to propose his being recall'd: 'Twas upon this Foundation *Varro* built the Hopes he had given *Atticus*: But it was necessary to know *Cæsar's* Sentiments: And not only *Quintus* had given *Cicero* no Intelligence upon that Subject, which made him conclude his Brother could say nothing that was com-

Expectationem nobis non parvam attuleras, cum scripseras Varronem tibi pro amicitia confirmasse, causam nostram Pompeium certè suscepturum, & simul à Cæsare ei literæ, quas expectaret, remissæ essent actorem etiam daturum. Utrum id nihil fuit, an adversatæ sunt Cæsaris Literæ? An est aliquid in spe? Etiam illud scripseras eundem secundum Comitia dixisse. Nam Q. frater homo mirus omnia mittit spei plena, metuens, credo, defectionem animi mei. 3. ad Att. 18.

fortable

fortable upon it, but the time likewise, to which *Pompey* had put off our Orator, was elaps'd, Vacation was coming on, and there was no Probability that his Affair would be resum'd till that was expired.

A N Incident had lately happen'd too, which necessarily retarded the Term he so much wish'd for: On the 11th of *August*, as *Pompey* was going into the Senate, one of *Clodius's* Slaves let a Poniard fall just by him, which was immediately carried to *Gabinus*, one of the Consuls; the Slave being apprehended confess'd he was ordered to kill *Pompey*; who was so effectually frightened at this Attempt, that he returned home with all Expedition, and kept himself close shut up till the Expiration of *Clodius's* Tribuneship.

P O M P E Y's Fear was not without Foundation; for he was besieg'd in his House for several Days together by *Clodius's* Ruffians under the Conduct of one of his enfranchis'd Servants call'd *Damio*, who wounded *L. Novius*, a Tribune and zealous Partizan of *Pompey's*.

Initur Consilium de interitu Cn. Pompeii, quo patefacto, ferroque apprehenso, ille inclusus domi tamdiu fuit, quamdiu inimicus meus in tribunatu. *Pro Sext.* 69. *de Har. resp.* 49. *Pro Milon.* 18.

T H O'

The HISTORY of

THO' Cicero was not yet informed of this Incident yet he had reason enough to believe his Affair would be too tediously carried on for him to continue all the while at *Thessalonica*. Thus he wrote to *Atticus* the 16th of September; "That in Compliance with the Entreaties of his Brother, his Wife, his Daughter, and Sextius, he would still have Patience till the beginning of the ensuing Year, and in the mean time would go to Epirus. He conjures that Friend either to stay for his coming, or else to make him a visit at *Thessalonica*, before he returned to *Rome*: But *Atticus* returned thither immediately after to take Possession of a considerable Estate, which his Uncle *Q. Cecilius* left him at his Death.

CICERO concludes this Letter in a very extraordinary manner, by which we see how he was tost and distress'd with the Tempest of various Passions, and wearied of his Life between Hopes and Fears: For after having in a very tender and affectionate manner recommended to *Atticus* his Wife *Terentia*, his Son,

Quod ejusmodi mihi Literæ à vobis afferebantur, ut aliquid ex iis esset expectandum; spe & cupiditate *Thessalonicae* detentus sum. 3. *ad Att.* 19.

his

his Daughter and his Brother, he desires him "to assign him in some Field or other as much Land as would serve to cover his Body.

THIS brings to my Remembrance the manner in which he endeavoured afterwards to excuse the Dejection he had shewn under his Misfortunes.

"I O W N, most venerable Pontifs, says he, my Grief was excessively great, my Affliction was incredible, I don't deny it: That Wisdom expected from me by some Persons, who thought the Greatness of my Sorrow an Argument of Weakness, I disclaim. Deprived, as I was, of all that was dear to me in the World, and what even now I cannot speak of without a Flood of Tears, could I divest my self of my Humanity, and resist the most natural Sentiments of Man? The Resolution I took would have had no Merit in it, and the Commonwealth would owe me no Thanks, if I had quitted nothing for her sake, but such things as I could have parted from without Pain or Reluctance.

Te oro & obsecro, Pomponi, ut mihi ex agro tuo tantum assignes, quantum meo corpore occupari potest. 3. *ad Att.* 19

Accepi, Pontifices, magnum atque incredibilem dolorem, &c. *Pro Dom.* 97. & 98.

" That

“ That callous Insensibility of Soul;
“ which resembles the Condition of a
“ Man that has no feeling, when his
“ Flesh is burnt, is so unworthy the
“ Appellation of Virtue, that I should
“ call it Stupidity. Singly to withstand
“ such terrible Attacks, to suffer in the
“ midst of Peace all the Miseries and De-
“ solation that the cruellest War could
“ produce, to be torn from the Arms
“ of one’s Family, to see one’s Houses
“ demolished and Effects plundered, to
“ be driven from one’s Countrey for
“ having serv’d it too faithfully, stript of
“ all the most illustrious and distinguish’d
“ Favours of the *Roman* People, hurl’d
“ from the highest pitch of Dignity, that
“ a Citizen can be exalted to, to see
“ one’s Enemies in Power and Autho-
“ rity exacting, as it were, one’s Fu-
“ neral Charges in one’s Life-time, and
“ to endure all this for the sake of one’s
“ fellow Citizens; if there be less Wis-
“ dom in it, than in having no Attach-
“ ment or Affection for any thing in the
“ World, there is at least such a Tender-
“ ness in it, for one’s Children, Family,
“ and Self, as Nature challenges, and
“ Humanity requires: This, I say, is a
“ Subject worthy of the highest Praise,
“ and matter of immortal Glory.

CICERO

CICERO did not yet go to *Epirus*, as he had promised *Atticus*; he continued at *Theſſalonica*, where they perſuaded him it was for the Intereſt of his Affairs to remain.

THE Letter he wrote to his Wife the 5th of *October* had nothing in it very remarkable; he bewails his own and his Childrens Misfortunes, and as to the reſt, he ſays, he relies no otherwiſe upon the Hopes ſhe gives him of the new Tribunes, than in conſequence of *Pompey's* Diſpoſitions, whom he always ſeems to diſtruſt, and *Crassus* much more.

THIS needleſs to mention how ingenious *Cicero* was at creating imaginary Troubles, and how, according to the uſual way of thoſe that are remote from their Affairs, he exaggerated his Suſpicions, that he might reap ſo much the more Conſolation from the Pains they would conſequently take to remove them. During the laſt Months of the Year, *Pompey*, *Crassus*, the eight Tribunes, that were in his Intereſt, his

Volui præſtolari apud te in Epiro: Sed ita ad me ſcribitur, ut putem eſſe commodius nos iſdem in lociſſe.

3. *ad Att.* 20.

In novis Tribunis Plebis intelligo te ſpem habere. Id erit firmum, ſi Pompeii voluntas erit: ſed Crasſum tamen metuo. 14 *Famil.* 2.

S

Brother

The HISTORY of

Brother, his Son-in-Law, and his best Friends, all behav'd themselves in such a manner, as to make it a doubtful Question, whether he had more Reason to Complain of the Dissimulation and Treachery of some, or of the Imprudence and Credulity of others.

SEXTIUS was returned from his Expedition to *Cæsar*, whose Consent he had obtain'd for the recalling of *Cicero*, but under such Restrictions and Limitations, as occasioned many Difficulties, which neither *Pompey* nor *Crassus*, notwithstanding all their Professions and Protestations, were willing to encounter.

POMPEY in particular, that he might take nothing upon his own Account, left *Sextius* to frame according to the Knowledge he had of *Cæsar's* Intentions the Draught of the Bill, which, as soon as he was in the Exercise of his Tribuneship, he was to present in favour of *Cicero*; *Sextius* communicated this Draught to *Atticus*, and *Atticus* sent it to our Orator for his Examination.

CICERO makes Answer in his Letter of the 4th of *October*, " that the " Bill was drawn up in a Manner un-

Rogatio Sextii neque Dignitatis satis habet, nec Cautio-
nis: nam & nominatim ferre oportet, & de bonis diligen-
tius scribi: & id animadvertas velim. 3. ad *Att.* 20.

" suitable

" suitable to his Dignity, and not suf-
 " ficiently particular and express: From
 " whence we may conclude it ran on-
 " ly in general Terms, and had no re-
 " ference to any thing but the Case,
 " upon which they had founded his Ba-
 " nishment: For he desires to have it par-
 " ticularize his Name and the Restituti-
 " on of his Effects, rather consenting
 " to have it said, that the Law, which
 " restored him, was a private Law, than
 " that it should be less circumstantial
 " and express. He therefore desired
 " *Atticus* to prevail upon *Sextius* to
 " amend the Form of it, not knowing
 " that he was so bound up that he could
 " not exceed his Instructions.

ALL the Month of *October* pass'd
 without *Cicero's* receiving any News
 from *Rome*, as he himself tells *At-*
ticus in a Letter he wrote to him the
 28th of the same Month; the Day af-
 ter which *Ninnius* and his seven Col-
 leagues of their own accord, when it was
 not expected from them, presented an-

Triginta dies erant ipsi cum has dabam literas, per quos
 nullas à vobis acceperam. 3. *ad Att.* 21.

Lege enim ab octo Tribunis Plebis promulgatâ, id est, ad
 4 Kal. Novembris. 3. *ad Att.* 23.

other Bill to the Senate for the recalling of our Orator, and the restoring him to all his Honours; but there was no Provision made in this neither for the Reparation of his Fortune.

THEY resolv'd before they went out of their Office to give a notable Testimony of the good Dispositions which they had always had towards our Orator; this at least was the Reason they gave for that Proceeding, which they pretended to pride themselves in amongst his Friends, as if it had been a very signal and meritorious Service.

CICERO, who better understood the Consequences of it than they, did not think himself so much oblig'd to them for it, as they imagined; he not only complain'd of their omitting to provide for the Restitution of his Effects, but much more of the gross Absurdity of the last Clause in the Bill, wherein it was said,
*" That if it contain'd any thing con-
 " trary to former Laws or Ordinances
 " of the People, it should be void and
 " of no Effect.*

Si quid in hac Rogatione scriptum est, quod per Leges Plebiscite scita promulgare, abrogare, derogare, sine fraude sua non liceat, &c. Ejus hac lege nihilum rogatur. 3. *ad Att.*
 23.

Now

NOW this Bill was manifestly as contrary to the Law, that was made for his Banishment, as any thing could be: For the one was made purposely to abrogate and repeal the other.

'T IS true, *Clodius* to give the greater Sanction and Validity to his Law had taken all imaginable Precaution to insert the most rigid Prohibitions; " But, says "*Cicero*, when did they ever regard " such Prohibitions in the repealing of " Laws? If they did, no Law would " ever be repealed: For there is not " one made, but what is fortified with " such Difficulties and Prohibitions; but " those are disannull'd of course, when " the Law it self is repeal'd.

" NEITHER do those Prohibitions, " adds he, regard the Tribunes, who are " not bound by the Act of one of their " Colleagues: There seems to be some " foul Design at the bottom of that " Management; for by subjoining that " Clause to their Bill without any manner of Occasion they put their Successors (if they should happen to be

Nàm si id esset, nulla ferè abrogari posset: Neque enim ulla est, quæ non ipsa se sepiat difficultate abrogationis. — Lege enim Collegii sui non tenebantur: Quò major est suspicio malitiæ alicujus cum id, quod ad ipsos nihil pertinebat, &c. 3. ad Att. 23.

“ as timorous as themselves) under a
 “ Necessity of following their Example,
 “ tho’ we find no Precedent of such a
 “ Proceeding in regard to any other
 “ Law of the same kind.

CLODIUS did not fail making his Advantage of the cowardly Procedure of these eight Tribunes: In an Harangue, that he made to the People the next Day, he told them openly, “ *That this Circumspection of theirs was*
 “ *a Lesson for the Tribunes elect, to*
 “ *teach them the proper Extent of their*
 “ *Power.*

CICERO desired *Atticus* to discover who was the Author of this Novelty, to acquaint him how it was possible for *Ninnius* and the rest not to perceive the Absurdity of it, and to let him know, why those eight Tribunes determined of their own Heads to frame a Bill so much to his Disadvantage, whatever they might alledge to the contrary.

THE first Letters, that *Cicero* received from his Brother and his Son-in-Law,

Neque id à Clodio prætermissum est: dixit enim in Con-
 cione ad 3 Nonas Novembris hoc capite designatis Tribu-
 nis Plebis præscriptum esse, quid liceret. 3. *ad Att.* 23.

Ut Ninnium ac cæteros fugerit, investiges velim.
Ibidem.

proba-

probably gave him no Account of this last Transaction, since in the Answer he sent his Brother he makes no mention at all of that Affair.

PLANCIUS had now detain'd *Cicero* six Months at *Theſſalonica*, in hopes that, the Term of his Queſtorſhip ending with the Miſfortunes of his Gueſt, he might accompany him to *Rome*, reap the Glory of his generous hospitable Treatment, and make uſe of his Intereſt for obtaining the * Tribuneship: Whiſt he was pleaſing himſelf with theſe Ex-
* He did actually obtain it. Cicero afterwards defended him from the Crime of Bribery. See Pro Cn. Plancio.

THIS News admitting of no Delay, *Cicero* immediately departed for *Dyr-rachium*, a Free City, that was very much attach'd to his Intereſt; he arriv'd there the ſame Day, as appears by the Date of his two Letters, one to his Wife, and the other to *Atticus*, which he had not time to finiſh at *Theſſalonica*.

Me adhuc Plancius liberalitate ſua retinet, jam aliquoties conatum ire in Epirum. Spes homini injecta eſt poſſe nos una decedere: Quam rem ſibi magno honori ſperat fore. Sed jam, cum adventare milites dicentur, faciendum nobis erit, ut ab eo diſcedamus. 3. ad Att. 22.

Et quod mei ſtudioſos habeo Dyrrachinos, ad eos per-
 veni, cum illa ſuperiora Theſſalonicae ſcripiſſem. *Ibidem*.

IN that he wrote to his Wife, he speaks to her in relation to a Countrey Farm, which she thought of selling in order to furnish him with Money ; to this effect. “ Do you consider, dear *Terentia*, “ what you are going to do? If Fortune should continue to exercise her “ Cruelty upon us, what a miserable Condition will our unhappy Boy be reduced to? I can say no more upon “ the Subject, my Heart is so full ; I “ forbear the rest in Compassion to you, “ to spare the overflowings of your Tears. “ Do but reflect, if our Friends do their “ Parts, we shall not want Money ; if “ on the contrary they should desert “ us, the Produce of that Land would “ not be sufficient for our Occasions. “ Let me conjure you therefore, by the “ deplorable Circumstances we are in, “ not to deprive the poor Child of his “ last Relief: If you do reserve him that “ Modicum, and if he should in some “ measure supply the Deficiency of his “ Fortune by his Merit, he will still “ have little enough to keep him from “ Starving ; if you do not, ’twill be im-

Quòd ad me, Terentia, scribis te vicum vendituram, &c.
14 *Famil. 1.*

“ possible

“ possible for him ever to retrieve his
 “ unhappy Circumstances.

CICERO had no sooner wrote these two Letters, than he received three more from *Atticus*, one of the 25th of *October*; another on the 29th of the same Month, by which that Friend informed him of what had pass'd in the Senate relating to the fore-mentioned Bill brought in by the Tribunes; and the last of the 12th of *November*, in which he explain'd the Reasons, that might suspend the Performance of the Promises made by *Pompey*, *Crassus*, and others.

WE have already seen in part what answer *Cicero* made to the second of these Letters; for as to the Assurances, which were given him by the first with respect to the good Dispositions of *Len- tulus*, *Metellus* and *Pompey*, this second Letter had almost destroyed them; inso- much that *Cicero* in the remaining part of his Answer of *November* the 30th, after having said, “ that he should be
 “ very sorry the Tribunes elect should
 “ propose his being recalled in so absurd

3. ad Att. 23.

Id caput sanè nolim novos Tribunos Plebis ferre: Sed perferant modò quidlibet: Uno capite, quo revocabor (mo- dò res conficiatur) ero contentus. 3. ad Att. 23.

“ a Manner, as their Predecessors had
 “ done, adds, that perhaps he may be
 “ oblig’d to content himself with less;
 “ but if they were willing to serve him
 “ according to his own Mind, the new
 “ Tribunes should make use of the Form,
 “ which *T. Visellius* (a famous Counsellor
 “ of that Time) had drawn up for one of
 “ their Colleagues, called *T. Fadius*; in
 “ which Case passing on to the third of
 “ *Atticus’s* Letters he presses him to excite
 “ the new Tribunes by his Friends as well
 “ as himself to unite all their Forces in
 “ such a manner, that, without being
 “ oblig’d to return a second Time to the
 “ Charge, they may at the first Attack
 “ surmount all the Obstacles that ob-
 “ structed his Return.

“ B U T if, says he, no such good
 “ things are to be expected, I beseech
 “ you, I conjure you to love my Bro-
 “ ther, whose Ruin is occasioned by my

Sed si est aliquid in spe, vide Legem, quam T. Fabio
 scripsit T. Visellius. — Quare oro te, ut, si qua spes
 erit rem posse confici, des operam ut uno impetu perfrin-
 gantur. — Sin, ut ego perspicio, spei nihil est, oro,
 obtestorque te ut Q. fratrem ames, quem ego miserum
 miserè perdidisti: nève quid eum patiare (gravius consulere
 de se, quàm expediat Sororis tuæ Filio: Meum Ciceronem,
 cui nihil misello relinquo præter invidiam, & ignominiam
 nominis mei, tuare, quoad poteris. 3. ad Att. 23.

“ Mis-

“ Misfortunes; for the sake of your Sister's Son preserve him from all desperate Resolutions; take into the Arms of your Protection my poor helpless Cicero, to whom, unhappy Child! I have nothing to leave but an Inheritance of Envy and Ignominy entail'd upon my Name; continue your kind Offices to Terentia, the most distress'd and disconsolate of all Women.

To her he wrote the following Letter.

CICERO TO TERENCEIA, to TULLIA and CICERO his Children.

“ **A**RISTOCRITUS has brought
 “ me three Letters which I have
 “ almost defac'd with my Tears; the
 “ thought of your unhappiness and the
 “ Childrens is more insupportable to me,
 “ than the Sense of my own. Not that
 “ your Afflictions, be they never so oppressive, can be greater than mine; for
 “ besides the part I bear of yours, I have a

Terentiam unam omnium ærumnosissimam sustentem
 tuis officiis. 3. *ad Att.* 23.

14 *Famil.* 3.

“ heavy

“ heavy Load peculiar to my self. But ’tis
 “ all my own Fault ; I might have prevent-
 “ ed them all by accepting the Lieute-
 “ nancy, or by standing the Brunt; in
 “ which if it had been my Fate to fall,
 “ there would at least have been some
 “ Courage and Honour in my Fall :
 “ Sure no Man living was ever so wretch-
 “ edly fearful and besotted as I was up-
 “ on that Occasion. The Shame of
 “ that unmanly Proceeding is the thing
 “ that still confounds me : I am conscious
 “ to my self, and the Remorse of that
 “ Consciousness is inseparable from my
 “ Soul that I neither acted as became a
 “ Husband nor a Father : This is the me-
 “ lancholy Reflection, that possesses me
 “ Night and Day, and brings a thou-
 “ sand dreadful Images to my Imagina-
 “ tion : Methinks I see the mournful
 “ Figures of your Persons, your pensive
 “ dejected Airs and languid Looks, more
 “ particularly remarkable in you, because
 “ of your delicate tender Constitution.
 “ Amidst all these Clouds of Misery
 “ and Sorrow if any glimmering of
 “ Hope appears, ’tis so small, that ’tis
 “ almost imperceptible : My Enemies
 “ are potent and numerous, and they
 “ that envy me are innumerable. The
 “ great Point of Difficulty was to banish
 “ me,

“ me, that they have effected ; to hin-
“ der me from returning is an easy
“ Task. However, as long as you have
“ any Hopes, I'll give into them, that
“ you may not have Reason to impute
“ all Miscarriages to my Fault and Indis-
“ cretion.

“ YOUR Apprehensions and Uneasi-
“ ness about my not being safe are un-
“ necessary : Thanks to my Calamities
“ you have nothing to fear upon that
“ score ; for the very Malice of my
“ cruellest Enemies would wish me to
“ live in the miserable State I am now
“ reduced to ; I am willing nevertheless
“ to do what you desire.

“ I have sent Letters of Thanks by
“ *Desippus* to those Friends you wish-
“ ed me to write to, and I have ac-
“ quainted them, that I did it upon
“ the Testimonies you had given me of
“ their good Offices.

“ I perceive my Son-in-Law *Piso* be-
“ stirs himself for us with wonderful
“ Affection and Activity ; every Body
“ esteems and applauds him for it. The
“ Gods grant, I may live to enjoy a-
“ long with you and my Children the
“ Society of so worthy and so good
“ natur'd a Man !

“ OUR present and our last Expec-
tation

" tation is in the new Tribunes, and
 " the Period I place it in is the Begin-
 " ning of their Office. If they defer it
 " never so little, the Business is at an
 " end ; there's nothing more to be ex-
 " pected. I have therefore dispatch'd
 " *Aristocritus* to you to give you the
 " better Opportunity of informing me
 " in what manner they set out. I have
 " likewise order'd *Desippus* to make a
 " quick Return, and have sent him to
 " my Brother for the same Purpose ; for
 " what induced me chiefly to come to
 " *Dyrrachium* was the Conveniency of
 " having a quicker Intelligence of all
 " Transactions. I consulted my own
 " Safety too in that Particular, for I
 " think my self perfectly secure in this
 " City, whose Interests and Privileges I
 " have always defended : When the * E-
 " nemy comes, I shall remove to *E-*
 " *pirus*.

L. Piso.

" As to your Proposal of coming to
 " me, if I think it expedient ; tho' I'm
 " sensible a great part of the Burden of
 " my Affairs lies upon you, yet I think
 " it most adviseable for you to stay
 " where you are. 'Tis my Business to
 " come to you, if your Applications be
 " attended with any Success ; if not—
 " but 'tis needless to enlarge upon that.

“ Head. Your first, or at least your se-
 “ cond Dispatches will enable me to
 “ take a final Resolution. I only desire
 “ you'll give me a particular and exact
 “ Account in your Letters of all that
 “ passes; tho', to say the truth, it is not
 “ so much Letters as Deeds that I ought
 “ to expect.

“ TAKE care of your Health, and be
 “ assur'd, nothing in the World is, or
 “ ever was, more dear to me than your
 “ self. Farewel, dear *Terentia*. You're
 “ never absent from my Mind, and by
 “ perpetually thinking upon you I am
 “ drown'd in Tears. Farewel.

Dyrrachium, Nov. 30.

THO' there never had been any Pre-
 cedent of appointing Consuls for the
 Provinces, whilst they were only Con-
 suls elect, and tho' according to Rule
 they should have waited till they had
 been ready to go out of their Office,

Antea, cum ad me scripsissetis vestro consensu Consu-
 lares Provincias ornatas esse, etsi verebar quorsum id ca-
 surum esset, tamen sperabam vos aliquid aliquando vidisse
 prudentius, &c. 3 *ad Att.* 24.

Accedit aliud non parvum incommodum, quod gravis
 illa opinio, ut quidem ad nos perferebatur, Senatum nihil
 decernere antequam de nobis actum esset, amissa est.
Ibidem.

before

before they determin'd what Number of Forces they were to take with 'em, or what Sums of Money they were to have out of the publick Funds, yet the Senate had agreed to anticipate the usual Time for those Appointments, either with a Design to favour *Lentulus* and * *Metellus*, or thro' Fear of being prevented in those respects by the People.

* *Nepos.*

When *Atticus* inform'd *Cicero* of this Particular, he took it for granted, that his Brother and *Atticus* had not consented to it, but upon Condition the Consuls shou'd serve him with all their Power; but when the thing was done, and *Atticus* cou'd give no other Reason for it, but that their Opposition wou'd have been fruitless, because the Consuls elect cou'd have procur'd the same Favours from the People, if the Senate had refus'd 'em. *Cicero* cou'd not forbear shewing his Dissatisfaction, for he had heard that his Friend's Compliance upon that Occasion had been very much blam'd at *Rome*, and that the Tribunes elect had loudly complain'd that they had not been so much as consulted upon it; they, I say, who being ready to enter upon their Office cou'd have made Terms with *Lentulus* and his Colleague for complying with their Demands, which
they

they had a Power to refuse; whereas now the Consuls had no other Tie upon 'em but their Promise, which the Tribunes in this Situation cou'd not make them perform, if they were not dispos'd to do it of their own accord.

THAT which troubled *Cicero* more than all this, was to find the Senate by this Proceeding act so contrary to the boasted Resolution they had agreed on, viz. *of debating no Business whatsoever till the Consuls had made a Report of his Affair*, as to appoint the Consuls their Governments before the usual time, without any Necessity, and contrary to Custom.

To say the Truth, it is impossible to penetrate into the Motives of that easy Compliance, which *Quintus*, *Piso*, and *Atticus* himself had shewn in such a Conjunction. Tho' we shou'd say, it was a hard matter for them not to acquiesce in the Protestations of *Lentulus*, and the Appearances of a sincere Reconciliation on the Part of *Metellus*, his future Colleague, yet this was quitting a

Nam quòd scribis, nì ità vobis placuisset, illos hoc idem per Populum affecutos fuisse — vereor, ne & studia Tribunorum amiserimus; &, si studia maneant, vinculum illud adjungendorum consulum amissum sit. *Ibidem.*

T

Cer-

The HISTORY of

Certainty for an Uncertainty, it was depriving the new Tribunes of the Use of their most valuable Privilege, and rendering them incapable, if not unwilling to be serviceable.

ATTICUS, in order to clear himself from these Reproaches, took the Opportunity of a Journey he was to make into *Epirus* to come to *Dyrrachium*, where we may presume he spent some Days; but he was no sooner departed thence to prosecute his Journey, than *Cicero* relaps'd into all his former Difficulties, upon some News or other he had receiv'd, from which he thought he might draw infallible Omens of the Duration of his Misfortunes. " I see, says he, " my Calamities, as they grow older, only become the more desperate " and incurable. I must be stone-blind, " if I did not see that miserable Demonstration; for what Probability is " there, that you wou'd have left *Rome*, " if you your self had not despair'd of " my Restoration? However, that I may

Post tuum à me discessum literæ, mihi Româ allatæ sunt: ex quibus prospicio nobis in hac calamitate tabescendum esse. Neque enim (sed bonam in partem accipies) si ulla spes salutis nostræ subesset, tu pro tuo amore in me hoc tempore discessisses, &c. 3. *ad Att.* 25.

" not

" not appear ungrateful or unjust in ac-
 " cusing you for not renouncing your
 " own Affairs for the sake of mine, I
 " shall say no more upon that Subject.
 " Remember only the Promise you
 " made me of returning hither before
 " the first of *January*.

Pompey in the mean time solicited
Gabinus so warmly in favour of *Cicero*,
 that he was no longer able to withstand
 his Importunity, but at last came over
 to the Party, which they convinc'd him
 wou'd very quickly be the uppermost.

HE soon got the better of his former
 Repugnancy, after *Clodius* had shewn
 his indiscreet Resentment at his quit-
 ting their Party. *Clodius* was so elated
 with the Glory of having confin'd *Pom-*
pey to his House in the manner I've al-
 ready related, that he cou'd not conceal
 his Indignation at *Gabinus* for this cruel
 Treachery and Desertion, but was resolv'd
 to make him repent his Change.

THAT Consul's past Life gave *Clodius*
 a sufficient Handle against him; he easily
 found Pretences to molest him, if not
 in his Person, at least in his Estate, which
 he dedicated to *Ceres*.

Postea fregit fœdus *Gabinus*. *Pro Domo* 66.
 Bona tui *Gabinii* consecrafti. *Ibidem* 124.

The HISTORY of

THIS Ceremony was not perform'd, like all the rest of the same kind, by the Ministration of the Priests; this Dedication was sufficiently valid, if it was ratified by the Presence of the People conven'd for that Purpose; the Tribune alone appearing upon the Place with his Head vail'd, and a Fire lighted before him, had no need of any farther Assistance, but only of a sort of Musician, who play'd upon the Flute, whilst that Magistrate pronounc'd the Form of Consecration.

NOTHING of this kind had been seen in *Rome* for about fourscore Years, when another Tribune, call'd *C. Atinius*, to be reveng'd of * *Q. Metellus*, a Censor, had reviv'd this ancient Superstition abolish'd from that time by Disuse.

* Great Grandfather to the Consul eldest of the same name

Ninnius, one of *Clodius's* Colleagues, not being able to ward this unexpected Blow, return'd him the same Compliment, and dedicated all his Effects to *Ceres* with the same Facility.

Tu, tu, inquam, capite velato, concione advocatâ, foculo posito, bona tui Gabinii consecrasti. *Pro Domo* 124.

Atqui C. Atinius patrum memoriâ bona Q. Metelli consecravît foculo posito in rostris adhibitoque tibicine. *Ibid.* 123.

Exemplo tuo bona tua nonne L. Ninnius consecravît? *Ibid.* 125.

Clodius

Clodius enrag'd to the last degree, and the more so because he cou'd not make use of Reprisals against *Ninnius*, whose Behaviour was blameless and irreprovable, foolishly turn'd his Spleen against *Cæsar*, whose Protection was the only Support of his Cabal. He propos'd to the Senate, that they wou'd annul whatsoever that great Man had acted in the Time of his Consulship, and declar'd openly, "*that if they wou'd repeal Cæsar's Acts, he wou'd be the first Man that wou'd bring Cicero back to Rome upon his Shoulders.*"

He moreover cited the College of Augurs, and *Bibulus* in particular, to appear before the People. The Augurs being interrogated, declar'd (what all the World knew, but it was necessary for Form's sake they shou'd declare it) that according to Law, and the Rules of their Discipline, it was unlawful to treat with the People, when they observ'd the Heavens. *Bibulus* being interrogated in

Omnia quæ Cæsar egisset, quæ contra Auspicia essent acta, per Senatum rescindi oportere: quod si fieret, dicebas te tuis humeris Custodem urbis, in urbem relaturum.
Pro Domo 40.

Tu M. Bibulum in Concionem, tu Augures produxisti: te interrogante Augures responderunt, &c. *Ibidem.*

his turn, made Answer, that it was true in fact, he had observ'd the Heavens all those Days, on which *Cæsar* propounded his new Laws, and specified that Day in particular when *Clodius's* Adoption was confirm'd by the People.

* SUCH extraordinary Courses as these, whatever the Consequences of 'em might be, (but we may presume they had no Effect with regard to *Cæsar*, since they had none with respect to *Gabinus*) could not well be carried on without coming to Blows, and downright Violence: accordingly, in one Rencounter *Gabinus's* Fasces, the Badges of Consular Authority, were broken in Pieces; and *Clodius* was wounded in another.

THE new Tribunes enter'd upon their Office at the usual Time: The most considerable amongst 'em was the famous *Milo*, born of an illustrious Plebeian Family, call'd the *Papian*, in which there had been several Consuls, but he had quitted the Name of this Family, and taken that of another, no less illustrious, viz. that of *Annius*, who was his Grandfather by the Mother's Side,

Quas iste tùm cædes, quas lapidationes, quas fugas fecerit, vidistis. *Pro Domo 67.*

and

and the Person that had adopted him. *Milo* had been Questor in the Year 691, and *Pompey* had brought him into the Interests of *Cicero*, by promising to make him Consul.

THE most distinguish'd after him was *Sextius*, of whom we have spoken before. The rest were *T. Fadius*, *M. Curius*, *C. Sextilius*, *M. Cespianus*, *C. Mesicinius*, *Q. Fabricius*, *Sex. Statilius*, *Serranus*, and *Q. Numerius Gracchus*.

THE eight first mention'd worthily supplied the Places of their Predecessors, the other two were devoted to *Clodius*, and entirely given up to his capricious Humour; so that *Cicero*, by a sort of Fatality, had just the same number of Friends and Foes in the Body of the Tribunes, as he had in the preceding Year, which terminated without any remarkable Transaction, excepting what I last related.

THE first of *January* being come at last, immediately after the ordinary Formalities, before any other Business was mention'd, *Lentulus* mov'd the Senate

Ann. U. C.
696. *Coff.*
P. Cornelius
Lentulus
Spinther, &
Q. Cæcili-
us Metellus
Nepos.

Veniunt Kalendæ Januarii : vos hæc melius scire potestis — quæ virtus, actio, gravitas *P. Lentuli* Consulis fuerit ; quæ etiam Collegæ ejus moderatio de me : qui cum inimicitias sibi mecum ex Reip. dissensione, &c. *Pro Sext. 72.*

T 4

for

for the recalling of *Cicero*, and spoke upon it with all the Energy and Gravity that were suitable to so important an Affair.

HIS Speech was seconded by a Declaration, which *Metellus Nepos*, his Colleague, made to this effect; “ that
“ in Consideration of the Publick Good,
“ and in Deference to that illustrious
“ Assembly, he was willing to sacrifice
“ his private Resentments against *Cicero*,
“ and to concur in any thing that shou’d
“ be propos’d to his Advantage.

AFTER this they call’d for the Opinion of one of the most eminent Persons in the House of Consular Dignity: This was *L. Cotta*, of a noble Patrician Family, call’d the *Aurelian*, originally descended from the *Sabines*: he was *Cæsar*’s Uncle by the Mother’s Side, had been Consul in 688, and Censor the Year following.

THIS great Magistrate begun his Speech by declaring, “ that it was unnecessary to make a Law for *Cicero*’s

Tum princeps rogatus Sententiam *L. Cotta* dixit id quod dignissimum republica fuit — *Ibid.* 73.

Nihil de me actum esse jure, nihil More Majorum, nihil Legibus; vix fuisse illam flammam quassatæ Reipublicæ perturbatorumque temporum. *Pro Sext.* 73.

" Return, because nothing had been
 " done against him in a legal manner,
 " or according to ancient Usage or
 " Precedents, but only by Force of
 " Arms, and all sorts of violent Pro-
 " ceedings; that, if the pretended Law
 " for his Banishment cou'd be look'd
 " upon as a true authentick Law, then
 " neither the Consuls cou'd propose
 " any thing contrary to it, nor he give
 " his Opinion of it, as he did; that this
 " being the Case, they shou'd beware
 " how they made another Law for the
 " repealing of that pretended one, be-
 " cause that wou'd be owning and ac-
 " knowledging the Authority of this;
 " that *Cicero* had manifested a greater
 " Regard to his Countrey and Fellow-
 " Citizens, than to himself, by with-
 " drawing from the Storm, in the man-
 " ner he had done, and that having
 " serv'd the Commonwealth as much

Quòd si illa Lex esset, nec referre ad Senatum Consules,
 nec Sententiam dicere sibi licere, — quorum utrumque
 cùm fieret, non oportere ut de me Lex ferretur decerni,
 nec illa, quæ nulla esset, esse Lex judicaretur: me consu-
 luisse Reipublicæ, cessisse tempestati, amiciores vobis cæ-
 terisque civibus, quàm mihi ac meis extitisse. *Pro Domo* 68.
 Quare cùm absens Rempublicam non minùs magnis peri-
 culis, quàm quodam tempore præsens liberaassem, non re-
 stitui me solum, sed etiam ornari à Senatu decere. *Pro*
Sext. 73.

" by

“ by his Absence and Retreat, as he had
 “ formerly done by his Presence, he
 “ ought not only to be Restored, but
 “ rewarded by the Senate with new Ho-
 “ nours and Distinctions.

P O M P E Y, who gave his Opinion next
 to *Cotta*, commended his Judgment, and
 added, “ that in order to prevent all
 “ Inconveniencies and all Incidents, that
 “ might be capable of defeating or per-
 “ verting the good Intentions of the
 “ House, it was his Opinion, that there
 “ should be a *Senatûs-consultum* for the
 “ recalling of *Cicero*, and that second-
 “ ed moreover by a *Plebiscitum*, inas-
 “ much as he had been banished by a
 “ kind of Law, if not by a true one.

A M O N G S T the eight Pretors of
 this Year there was none but *Appius*,
 Brother to *Clodius*, that oppos'd this Sen-
 timent; all the rest of the Senators con-
 cur'd in *Pompey's* Opinion.

W H E N they were going to draw
 up the *Senatûs-consultum* pursuant to

Sed post eum rogatus Cn. Pompeius approbatâ lauda-
 taque Cottæ Sententiâ dixit, sese otii mei causâ, ut om-
 ni populari concitatione defungerer, censere, ut ad Sena-
 tus auctoritatem Populi quoque Romani beneficium erga
 me adjungeretur. Cùm fieret sine ullâ varietate discessio,
 surrexit, ut sciatis, Atilius hic Gavianus, nec ausus est, cùm
 esset emptus, intercedere; noctem sibi ad deliberandum
 postulavit.—*Pro Sext. 74.*

this

this Proposal, one of the two Tribunes, that *Clodius* had drawn to his Party, required four and twenty Hours time to consider upon it.

THIS Tribune, originally come from a Village in Great Greece, was a Person of very mean Birth and Extraction; he was called *Sex. Statilius Seranus* from the Name of a very illustrious Family, into which he was adopted; he had been Questor in the Consulship of *Cicero*, who during that Time had done him extraordinary Service.

ALL the whole House exclaim'd against his Demand; and *Cn. Oppius* in particular, who was his Wife's Father, threw himself at his Feet, and entreated him with Tears to desist from his Opposition; but he obstinately persisted in it, promising however, that he would acquiesce the next Day: The House took his Word and adjourn'd to the next Morning.

THIS Delay gave him an Opportunity to negotiate with his Principals, and to procure double the Reward that was before agreed for.

Clamor Senatus, querelæ, preces, focer ad pedes abjectus:
Ille se affirmare postero die moram nullam esse facturum.
Creditum est, discessum est. *Ibidem.*

THE Senate met every Day only to deliberate upon *Cicero's* Affair : The Tribunes on their side were no less active ; and if *Q. Fabricius*, who was one, had been as potent and successful, as he was zealous and courageous, the Return of our Orator had certainly been determined upon the 23d of the same *January* by an Ordinance of the People, who were then assembled according to their Hundreds in the Temple of *Castor*, where this Tribune was come before Day, that he might get Possession of the Avenues and make himself Master of the Place.

CLODIUS, who without doubt had got Notice of his Design, had borrowed of his Brother *Appius* a number of Gladiators, that he kept in Exercise in order to give Diversion to the People at the Funeral of a Relation ; these, together with a considerable number of Slaves, he had posted in the Night-time round about the same Temple. This Party

Illi interea deliberatori merces longa interposita nocte duplicata est. Consecuti dies pauci omnino Januarii mense, per quos Senatum haberi liceret; sed tamen actum nihil nisi de me. Venite tandem in Comitio de me agendo dies 8. Kal. Februarii princeps rogationis, vir mihi amicissimus, Q. Fabricius, Templum aliquanto ante lucem occupavit. *Ibidem.* 75.

seeing

seeing *Fabricius* coming to take Possession, ran suddenly upon him, wounded several of his Men, killed many others, and drove him quite away, together with *C. Cispinus*, one of his Colleagues, who had joined himself with him on this Occasion.

Q. **CICERO** was the Person they hop'd to find, because he was look'd upon as the most active Friend and zealous Sollicitor for his Brother. Not long after this he ventur'd to appear in the Rostrum in order to exite and stir up the People to favour his Brother's Restoration: But he was pull'd out and driven amongst the Crowd, where his Slaves and Servants with great Difficulty defended him, till he made his Escape by the favour of the Night, after he had been oblig'd to lie a good part of the Day conceal'd among the dead.

WHILST these things were doing in the Forum, the Tribune *Sextius* came

Cùm Forum, Comitium, Curiam armatis hominibus occupavissent——Impetum faciunt in Fabricium, manus atferunt, occidunt nonnullos——Cispium Tribunum Plebis depellunt, cædem maximam in Foro faciunt——Fratrem meum oculis quærebant, voce poscebant——&, cùm ad Fratris salutem à Populo Romano deprecandam venisset, pulsus è Rostris in Comitio jacuit, seque Servorum & Liberatorum corporibus obtexit, vitamque suam noctis & fugæ præsidio defendit. *Pro Sext. 75. & 76.*

to the Temple of *Castor* to declare to the Consul *Nepos*, that the Omens were inauspicious. I don't well understand what this Consul was doing in that Temple; but as we shall find by the Sequel, that his Reconciliation with our Orator was not very sincere, that *Cicero's* Affair was the grand Business of the Day, and that *Sextius* must necessarily be too much taken up with that to think of any thing else, there is no room to doubt but *Nepos* was concerting some underhand Practices in that Temple to the Prejudice of our Orator.

IN short *Clodius's* Band, as soon as ever they perceived *Sextius*, set up a Shout and fell violently upon him, beat him with Swords and Staves, wounded him in above twenty places, and left him for dead upon the Spot.

GOING away with this Notion, and apprehending the Punishment such an Enormity deserved, they fell upon the most extraordinary Resolution in the World, which was to kill one of the

Venit in templum Castoris, obnuntiavit Consuli, cum subito manus illa Clodiana, in cæde civium sæpè jam victrix, exclamat, incitatur, invadit inermem——à quibus hic multis vulneribus acceptis se abjecit exanimatus. *Pro Sext.* 79.

Tribunes

Tribunes of their own Faction, that it might be thought this last Assassination was committed by *Sextius's* Attendants, and consequently the Crime being equal on both sides they might the more easily escape the Rigour of the Law.

FOR this end they cast their Eyes upon *Q. Numerius Gracchus*. This *Gracchus* was a poor worthless Countryman, who was come to the Tribuneship no Body knows how; for as that Office of Magistracy was almost entirely in the Disposal of the Populace, it was morally impossible but their Caprice would sometimes confer it upon the most unworthy and contemptible Objects.

BUT *Numerius* was timely advertis'd of the Treatment they design'd him; and to prevent it, he dress'd himself in his old Mule-driver's Habit, which was the same Dress he first came in to *Rome*; and in this Disguise, carrying at the same time

At verò ipsi parricidæ aded vim sui facinoris perhoruerant, ut, si paulò longior opinio mortis Sextii fuisset, Gracchum illum suum transferendi in nos criminis causâ occidere cogitarint. *Ibid.* 82.

Sensit rusticulus non incautus suum sanguinem quæri ad restringendam invidiam facinoris Clodiani, mulionicam penulam arripuit, cum quâ primùm Romam ad Comitia venerat, messoriâ se corbe contextit: Atque hoc scitis omnes usque aded hominem in periculo fuisse, quoad scitum sit Sextium vivere. *Ibidem.*

a Reaper's Basket upon his Head, he was making his Escape, when they came and told him, that *Sextius* was not dead, and that he might resume his proper Apparel.

MILLO, who had the best Character, as well as the greatest Intrepidity of all the eight Tribunes, that had declared for *Cicero*, being exasperated with so many Violences and Outrages, ordered *Appius's* Gladiators, who were the principal Instruments of them, to be apprehended, to be brought before the Senate, where they confess'd the Fact (too publick and notorious to be denied) and afterwards committed them to Prison: But the Tribune *Serranus* soon set them at Liberty.

CLODIUS enraged at this beginning of a Prosecution set his Ruffians to attack *Milo's* House with Sword in one Hand and Fire in the other, and personally insulted him himself, wherever he could meet him. It was in this Tumult the Fasces of the Consul *Nepos* were burnt, and the Temple of Nymphs,

Gladiatores ex Prætoris Comitatu comprehensi, in Senatum introducti, confessi, in vincula coniecti à Milone, missi à Serrano. *Ibid.* 85.

Alterius Tribuni Plebis domus est oppugnata ferro, facibus, exercitu Clodiano. *Ibidem.*

Ædem Nympharum incendit. *Pro Milo.* 73.

the

the Place where the Registers were kept for enrolling the Numbers of the People, was consumed.

MILLO brought an Accusation against *Clodius* in the ordinary Form; but he could not prosecute his Charge after he had commenced it, because the Judges for that Year were not yet appointed. *Nepos*, who perceived that his old Friend and Cousin German must necessarily be condemn'd, had prevail'd with the Pretor, to whom the Cognizance of such Misdemeanors belong'd, not to suffer the Informations to be made before any Judges but his own Assistants. Now according to Law it belong'd to the Questors to determine them by Lot, and the Questors themselves were not yet elected, because the Ediles, whose Election was to be antecedent to theirs, were not yet chosen by reason of these Tumults and Disorders.

CLODIUS therefore had nothing to apprehend till the Ediles were elected, and less Reason still to be afraid of any thing afterwards, because he himself was pretty sure of being elected to that

Descendit ad accusandum——fracti erant animi hominum——Ecce tibi Consul, Prætor, Tribunus Plebis nova novi generis Edicta proponunt. *Pro Sext. 89.*

U

Office,

Office, which he was making Interest for with all imaginable Vigour; and when once he became possess'd of that Post, he was out of the reach of all their Prosecutions; for the Curule Magistrates, and such the Ediles were, had the Privilege of being exempted from all Punishment and Prosecution except in the Case of Treason.

CLODIUS and his Faction struggled hard to hasten the Convention of the People for that Election; but all their Efforts were in vain, for *Milo* and his Colleagues were resolved not to recede from their Right of Opposition: However when *Sextius* and he found, that by this manner of delaying *Cicero's* Affair was retarded, they resolv'd to throw off that dilatory Idleness, and to exert themselves with as much Vigour and Activity for a good Cause, as *Clodius* had long done for a bad one. Therefore they procured a number of Gladiators, and put the most resolute of their Friends at the Head of them, by which means they became capable at least of repel-

Homines emisti, coegisti, parasti, &c. *Pro Sext.* 84.

Ut jus experiretur, vim depelleret; altero uti voluit, ut virtus audaciam vinceret, altero usus necessariò est, nè virtus ab audaciâ vinceretur. *Ibidem.* 92.

ling

ling Force by Force. The two Parties in short had several Rencounters and Engagements, in which the Advantage was generally on the side of the Tribunes.

THE Senate grown weary of these Delays, and exasperated at so many Disappointments, suspended and broke off all their ordinary Functions, and refused even to give Audience to the Ambassadors of Kings and confederate Nations during the whole Month of *February*, which was the time set apart for that Ceremony; and from that time they did nothing in the World but send their Thanks to the Cities, that had given *Cicero* a kind Reception, and their Recommendations to the Governors of Provinces, thro' which he might pass, to treat him with all the Marks of Honour, that were due to his Person and Character.

THE People too were equally troubled at all these cross Accidents and Disappointments: They gave over assembling; the Pretors and other Judges left off all Administration of Justice, the whole publick Authority being born down by the Violence of the two Factions.

FIVE Months were spent in this tumultuous Disorder and Confusion, the

The HISTORY of

superior Magistrates not thinking themselves powerful enough to stem the Torrent of so violent a Faction.

LENTULUS at last being afraid the succeeding Consuls, whose Election was just coming on, would rob him of the Glory of restoring our Orator, if they happened to be in his Interest, or that, if otherwise, he might incur the proach of having sacrificed him to his Politicks, resolved to correct his past Errors; and, that he might not miscarry, as he had done before, he procur'd in the first place a *Senatus-consultum*, importing, “ *That the Consuls should send*
“ *circular Letters throughout all Italy*
“ *to invite all the Freeman, that were*
“ *well affected to the Commonwealth*
“ *and desired its Preservation, to repair*
“ *immediately to Rome.*”

IT was at this Conjunction, as I take it, that *Cicero* wrote his 26th Letter of the third Book of Letters directed to *Atticus*; for the Date of that Letter is evidently false, because the *Senatus-consultum*, which he says he received from his Brother, could be no other than this

Senatus decrevit, ut omnes, qui Rempublicam salvam esse vellent, ad me unum defendendum venirent. *Pro Domo* 73.

We

we are speaking of, upon which Subject *Cicero* tells his Friend, "that he will
 " wait at *Dyrrachium* the Issue of that
 " general Convocation, but that, if the
 " Proposal of his Return meets with a-
 " ny further Difficulties, he will ven-
 " ture to come upon the sole Authority
 " of the Senate, and rather risk his Life,
 " than be any longer deprived of his
 " Country.

THE People of *Capua* were the first that obey'd the Summons, being led to it by the same Gratitude as had induc'd them before to erect a Golden Statue to *Cicero*, as well as by *Pompey's* Sollicitations, who was * Duumvir of that Place, and had been concerned (as we may reasonably suppose, in concerting the *Senatus-consultum*. The other People and Districts of *Italy* followed their Example, and repaired in Crowds to *Rome* to favour the recalling of that Illustrious Exile.

4 As much
as to say
Consul.

LENTULUS, supported by so considerable a Reinforcement, assembled the Senate in the Capitol the 14th of *July*. The House consisted that Day of four

Si obtreſtabitur, utar autoritate Senatûs, & potiùs vitâ
 quàm patriâ carebo. 3. ad Att. 26.

U 3

hun-

hundred and ten Senators, besides the other Magistrates, that were not of their Body.

UPON that Consul's Motion for the recalling of *Cicero*, *Pompey*, who spoke the first, read his Opinion, which for the sake of giving it the greater Weight and Authority he had committed to writing, and which was unanimously applauded and assented to by the whole House.

THE Consul *Nepos* himself was so touched with the Exhortations of *P. Servilius*, a grave ancient Senator, that was one of his Relations, urging him not to degenerate upon so extraordinary an Occasion from the Virtue of his Family and the great Examples of their common Ancestors, he was so sensibly affected, I say, with this moving Admonition, that he could not restrain his Tears, but seem'd to repent of the Assistance he had lent *Clodius* in his late outrageous Disorders.

CICERO the fifth of *January* pre-

De scripto sententia dicta. *Pro Sext.* 129.

Quem Pub. Servilius & autoritatis & orationis suæ divinæ quâdam gravitate ad sui generis communisque sanguinis facta virtutesque revocavit. *Post red. in Sen.* 24.

ceding had sent him a Letter of Civility from *Dyrrachium*, being informed by *Atticus*, that he had brought him at last to a perfect Reconciliation. At that time indeed he did give convincing Proofs of it, but he relaps'd upon several Occasions, as we shall find by the Sequel.

AFTER the two Consuls appeared so well-affected to *Cicero*, whenever his Affair was spoken of, they purposely made use of the Words, that he may *return*, not that he may be *recalled*, to signify that they did not look upon him as an Exile, but only as a Citizen driven out of his Country by Violence, contrary to the Laws and to common Justice.

THE next Day being the 15th of *July* *Lentulus* made a Speech to the People, and express'd himself with so much Affection, Eloquence and Dignity, that he impos'd Silence even upon the Mob, that was most devoted to *Clodius*.

AFTERWARDS he appointed some of the

Non est ita latum, ut mihi Romam venire liceret, sed ut venirem. *Pro Domo* 71.

Idem Consul curavit, ut eadem à Principibus Civitatis in concione postero die dicerentur, cum quidem ipse egit ornatissimè causam meam, perfecitque adstante atque audiente Italiâ totâ, ut nemo cujusquam conducti aut perdit vocem acerbam atque inimicam bonis posset audire. *Postred. in Sen.* 25.

U 4

most

most eminent Senators to repeat their Opinions to the Assembly, which they had unanimously agreed in the Day before in the Capitol. *Pompey* distinguished himself above all the rest, and instead of barely reciting his Opinion, as he had done the Day before, he recommended it with a set Speech, in which he insisted, that *Cicero* having by his vigilant and prudent Administration, preserv'd the Commonwealth from impending, inevitable Ruin, his Preservation ought to be inseparable from that of his Country; he further exhorted the People to second and defend the Authority of the Senate, which was so deeply engag'd in the Affair, and vigorously to support and maintain the Glory and Tranquillity of the State, whose common Concern and Interest it was to restore an ancient Consul, whose Merit was so eminently conspicuous, and had extended to all the Members of the whole Commonwealth. He concluded

Primum vos docuit meis consiliis Rempublicam esse servatam, causamque meam cum communi salute conjunxit, hortatusque est, ut auctoritatem Senatûs statum Civitatis, fortunas Civis benè meriti defenderetis: tum in perorando posuit vos rogari à Senatu, rogari ab Equitibus Romanis, rogari ab Italiâ cunctâ: Denique ipse ad extremum pro meâ vos salute non rogavit solum, verùm etiâ obsecravit. *Post red. ad Qui. 16.*

by representing to them, that the Senate, the whole Equestrian Order, and all *Italy* spoke to them by his Mouth, and made that Request with one Voice, and that he in particular most passionately entreated them not to frustrate the Expectation of all their Fellow Citizens.

THE forementioned *Servilius* added his Testimony to confirm what *Pompey* had said, and *L. Gellius*, an ancient Consul, further added, that “ *if Cicero had not been Consul at the time he was, the Commonwealth would have been utterly ruined and subverted.*”

AFTER this the Senate met again in the Temple built by *Marius*, and dedicated to *Honour* and *Virtue*, and made as full a House as they did the Day before; upon the Advice of some leading Persons amongst the People, they made a second *Senatus-consultum*, by which it was forbidden either to observe the Heavens, or give any other Impediment whatsoever to the things that were going to be propos'd in Favour of *Cicero*.

Itaque cum P. Servilius, &c. *Post red. ad Q. 17.*

Vel quod est postridie decretum in Curia—admonitu nequis de cœlo servaret, nequis moram ullam afferret: Siquis aliter fecisset, eum planè Eversorem Reipublicæ fore, idque Senatum gravissimè laturum, & ut statim de ejus facto referretur.

It

It was declared at the same time, that if any one acted contrary to that Prohibition, he should be reputed an Enemy and Disturber of the Common-wealth, have his Crime laid before the Senate, and immediately be brought to condign Punishment; that if notwithstanding these Precautions it should happen, that the Affair could not be concluded within five Days, which was the time appointed for its Discussion and Decision, it should be deemed as concluded and determined without any other Formality, and that *Cicero* might, without being obliged to any further Delay, return to his Country to the full Enjoyment of all his Privileges and Honours.

THE Senate farther ordered at the same time, that Thanks should be given to those that were come to *Rome* from all Parts of *Italy* to concur in the recalling of *Cicero*, and that such of them, as were obliged to go back for the sake of their private Concerns, should be desired to hold themselves in readiness to

Nisi diebus quinque, quibus agi de me potuisset, non esset actum, redirem in Patriam Dignitate omni recuperatâ. Decrevit eodem tempore Senatus, ut iis, qui ex totâ Italia salutis meæ causâ venerant, agerentur gratiæ, atque ut iidem ad illam diem, cum res redisset, ut venirent rogarentur. *Pro Sext.* 129.

return

return to *Rome* upon the first Summons.

UPON the Circumstance of this last *Senatus-consultum* being made in the Temple, that was built by *Marius*, *Cicero* recollects a Dream, that he had at a Farm-house near *Atina* in *Campania*, where he had lodg'd as he was leaving his Country. "One Night, says he, "after I had sat up very late and was "in a deep Sleep, which lasted till two "a Clock the next Day, methought, "as I was wandering all alone through "desart, solitary Places, I met Mari- "us crowned with Laurel and attended "with his *Lictors* and *Fasces*. That "great Man presently accosted me and "asked me the Cause of my Sadness; "when I had told him the melancholy "Occasion, he took me by the Hand, "bid me be of good Cheer, and then or- "dered one of his *Lictors* that was near- "est him, to conduct me to his Tem- "ple, assuring me I should there find "Protection and Safety. Upon which *Cicero* makes this judicious Observation, viz. that this Dream, so far from being any divine Operation upon the Mind, was very natural and easily accounted

The HISTORY of

for; because at the very Time he had this Dream, he us'd often in his waking Thoughts to be revolving and reflecting upon the cruel Persecution which that great Person, his Countryman, had undergone as well as himself, and from which he was deliver'd at length, and became more powerful and glorious than ever.

BUT to return from this Digression; the News of the *Senatus-consultum* having reach'd the Theatre, where *Lentulus* that Day was entertaining the People with Plays, all the People rejoic'd, applauding with one Voice both the Person that had propos'd it, and the House that pass'd it. A few Minutes afterwards a great many Senators, and *Lentulus* himself being come from the Senate-house to the Theatre, all the whole Company rose up weeping for Joy, and stretching out their Hands to *Lentulus*, in Testimony of their Thankfulness and Satisfaction.

CLODIUS was foolish enough to come

Audito Senatus-consulto Autori ipsi atque absenti Senatui plausus est ab universis datus, deinde cum Senatoribus singulis spectatum è Senatu redeuntibus: cum vero ipse, qui Ludos faciebat, Consul assedit, stantes & manibus passis gratias agentes & lacrimantes gaudio, &c. *Pro Sext.* 117.

thither

thither too; but he was receiv'd with Houtings and Imprecations, and all such Gestures and Signs of Hatred, as plainly prognosticated the End of that popular Royalty, which had rais'd him to such an extravagant Height of Insolence and Madness. The Actors used him still more severely than the Multitude. The Play they were then acting was one of *Afranius's*, entitled, *The Dissembler*, in which old *Brutus*, who had expell'd the Regal Tyrants from *Rome*, was the *Nero*. There was not a Passage in the whole Play, where the Sense bore the least Analogy to these Times, but what they plainly pointed out and applied to our Orator. They carried it so far, as to use the Name *Tullius* instead of *Brutus*, especially in one of the Verses, where it was said, *that brave Enemy to Tyranny had establish'd Liberty*. This Line the People requir'd 'em to repeat over and over.

At cùm ille furibundus incitata illa sua vecordi mente venisset, vix se populus Romanus tenuit — voces quidem & palmarum intentus & maledictorum clamorem omnes profuderunt. Nam cùm ageretur togata *simulans* — in magnâ varietate sententiarum nunquàm ullum fuisse locum, in quo aliquid à poetâ dictum cadere in tempus nostrum videretur, quod aut populum universum fugeret, aut non exprimeret ipse actor. *Ibid.* 118. Nominatim sum appellatus in Bruto; *Tullius qui Libertatem Civibus stabiliverat*: millies revocatum est. *Ibid.* 123.

IN

IN *Accius's* Play of *Andromache*, which they acted the same Day, the Humour was carried still farther. The famous *Esopus* play'd the Part of *Telamon*; and as the Misfortunes of that exil'd Prince had some Affinity to those of *Cicero*, that wonderful Actor managed his Part with so much Skill, that *Telamon* was forgot in all the Places that were applicable to our Orator, and those were the brightest and finest Passages of the Play. His charming Voice, tho' often interrupted with Sighs and Groans, his Movements, Gestures, and all his Actions work'd upon himself, as well as the Spectators, and melted both into Tenderness and Tears: The Compassion he excited for the Misfortunes of his absent Friend, was visible in the whole Audience, who gave their Passions so much the freer Vent, as they were encourag'd to it by the Justice that was just decreed him by the Senate.

THAT Interval of Time requir'd be-

Histrion casum meum toties collachrimavit, cum ita dolentè ageret causam meam, ut vox ejus illa præclara lachrymis impediretur eaque populus Romanus non solum plausu, sed etiam gemitu suo comprobavit. Ibid. 123.

Quæ Lex quemadmodum accepta sit, quid me attinet dicere? ex vobis audio nullis Comitibus unquam multitudinem hominum tantam, neque splendidiorem fuisse. In Pis. 36.

tween

tween the promulging and the propounding of a Law being at last expir'd, the People were convened upon the 4th of *August*, in the *Campus Martius*, in the most general and solemn manner they cou'd be assembled, which was according to their *Centuries* or *Hundreds*; and the Law for *Cicero's* Return being there propounded, was accepted and allow'd with an universal Applause, by the Suffrages of the whole Assembly, the most numerous that had ever been seen upon any Occasion.

THERE was no Body present but what gave their Votes to it, except the two Brothers, *Clodius* and *Appius*, and the two Tribunes of their Cabal. *Clodius* made an Harangue to dissuade the People from assenting to the Law, but his Eloquence was lost, and his Labour in vain.

WE must only observe by the way, that the Tribune *Serranus* having accord-

Ut nemini sit Triumphus honorificentius, quàm mihi salus restitutioque perscripta, de me cùm omnes Magistratus promulgassent præter unum Prætorem, præterque duos de lapide emptos Tribunos plebis. *Ibidem* 35.

At verò ille Tribunus Plebis, qui de me non Majorum, sed Græculorum instituto concionem interrogare solebat, vellet nè *me redire*: & cum erat reclamatum semivivis Mercenariorum vocibus, populum Romanum negare dicebat. *Pro Sext.* 126.

ing

ing to the Practice of the *Grecian* Commonwealths, but contrary to that of the *Roman*, demanded of the People, if they approv'd of *Cicero's* Return, was in a low Voice answer'd, *No*, by some mercenary Hirelings suborn'd for that Purpose; but these were so inconsiderable in their Number, that this poor, last Effort of the Party only serv'd to make them the more contemptible.

CICERO departed from *Dyrrachium* the same Day, the 4th of *August*, 696. As he took it for granted in consequence of the News he had receiv'd, that the Law for his Return wou'd be accepted, and as it was of Importance to him to arrive at *Rome* as soon as he possibly cou'd, he ventur'd to cross the Sea without any farther Hesitation or Delay.

THE next Day he arriv'd at *Brundisium*, where he design'd to wait the Confirmation of the News.

Pridie nonas Sextiles Dyrrhachio sum profectus, illo ipso die, quo Lex est lata de nobis. 4 *ad Att.* 1.

Brundisium veni nonis Sextilibus. Ibi mihi Tulliola mea fuit præsto natali suo ipso die, qui casu idem natalis erat & Brundusinae Coloniae & tuæ vicinæ salutis. Quæ res animadversa à multitudine summâ Brundusinorum gratulatione celebrata est. Ante diem sextum idus Sext. cognovi Literis Q. fratris mirifico studio omnium ætatum atque ordinum, incredibili concursu Italiae Legem Comitibus Centuriatis esse perlatam. 4 *ad Att.* 1.

THERE

THERE he rested two Days at the House of one *Lenius Flaccus*, where in his Journey from *Rome* he had been kindly entertain'd, and where he found his Daughter *Tullia*. One of those two Days was the Birth-day of that beloved Daughter, the Day of planting the Colony of *Brundisium*, and of the Dedication of the Temple of *Safety*. Such Circumstances as these, which seldom escape the Notice of a Man that is naturally inclin'd to apply every thing to himself, contributed still to enhance the Joy of the Day; but that, which made the Joy truly compleat, was the News he receiv'd by a Letter from his Brother, that the Law for his Return was pass'd with the unanimous Consent of all the Centuries, and the Deputies of all *Italy*, and with the Acclamations of the whole Assembly.

UPON this he took Leave of his Friends * *Rocca di Mondragone*, at *Brundisium*, who loaded him with Honours and Civilities, went by the way of † *La Scaffa del Garigliano*, *Naples*, from whence he afterwards pass'd by *Capua*, by * *Sinuessæ*, † *Minturna*, ‡ *Formia*, ** *Terracina*, †† *Aricia*, †† *L' Ariccia*.

Indè à Brundusinis honestissimè ornatus iter ità feci, ut undique ad me cum gratulatione Legati convenerint. 4. ad Att. I.

X

and

and in four and twenty Days arriv'd at *Rome*.

UPON all the Road from *Brundisium* to *Rome*, there was a perpetual Flux and Reflux of People crowding to meet him: Deputies were sent with the congratulatory Compliments of all the last mention'd Cities, which are upon the *Appian* Road, and of numberless other Towns from all Parts of *Italy*.

BEFORE he arriv'd at the Gate *Capena*, he receiv'd the Compliments of the Senate, and the other Orders of the Commonwealth, who all went out of *Rome* to meet him.

THERE was not a Citizen, not a Man in the Town of the least Note, but what hasted to meet him, and to testify his Joy, excepting only his declar'd Enemies, whose Enmity was too notorious to suffer 'em to dissemble, or pretend to rejoice at his Return.

As he enter'd the City, all the Steps and Avenues of the Temples were crowd-

Cùm venissem ad portam Capenam — ad urbem ita veni, ut nemo ullius ordinis homo nomenclatori notus fuerit, qui mihi obviam non venerit, præter eos inimicos, quibus id ipsum non liceret aut dissimulare aut negare. Gradus templorum ab infimâ plebe completi erant, à quâ plausu maximo cùm esset mihi gratulatio significata, similis & frequentia & plausus me usque ad Capitolium celebravit. *Ibidem.*

ed with People; infinite Numbers flock'd together; the Streets and all the publick Places were fill'd with Multitudes of the Populace, who conducted him with Acclamations to the Capitol, the Place he first went to, and from thence to his Brother's House.

THE next Day, which was the 5th of September, Cicero return'd Thanks to the Senate, before whom he spoke that * O-
* Post redi-
tum in Se-
natu.
 ration, which is still extant, and consists of little else but Compliments and Praises to all the Members of the House, who had contributed to his Return, or to whom he was willing to ascribe a Part of that Honour.

CICERO, who himself has given us the Account of his Entry into Rome, has related it in several Ways, and upon several Occasions. Amongst other Expressions, he says, "*That he was carried upon the Shoulders of all Italy; that Rome seem'd to rise from her Foundations to come and embrace her*

Postridiè in Senatu, qui fuit dies nonarum Septembrium, Senatui gratias egimus. Unus ille dies mihi quidè immortalitatis instar fuit, cùm in patriam redii, cùm Senatum egressum vidi Populumque Romanum universum, cùm mihi ipsa Roma propè convulsa sedibus suis ad complectendum Conservatorem suum procedere visa est. In *Pison.* 52.

The HISTORY of.

" Preserver; that that one Day was equi-
 " valent to an Immortality; that it was a
 " Day of such exuberant Happiness, that
 " if he cou'd have foreseen it, instead of
 " endeavouring to repel Clodius's Fury,
 " he shou'd have purchas'd it at any
 " Rate; that his Return was so splen-
 " did and magnificent, that he was a-
 " fraid it wou'd be suspected he had
 " contriv'd his own Banishment for the
 " sake of such a glorious Restoration.

And in all this *Plutarch* acknowledges that *Cicero* does not exaggerate.

THE Truth is, it was a Day of real Triumph for our Orator, a Triumph so much the more glorious and agreeable, as it had cost the Republick no Bloodshed, as all the Orders of the Commonwealth were equally interested in it; and if *Clodius* and his Partizans (the only Persons that cou'd look upon it with an evil Eye) were offended at it, all the true Friends and Lovers of the Constitution had so much the more Reason to

Itaque ille unus dies tantæ mihi jucunditati fuit, ut tua mihi conscelerata illa vis non modò non propulsanda, sed etiàm emenda fuisse videatur. *Pro Dom.* 76.

Hunc ego reditum repudiarem, qui ità florens fuit, ut vereor, nè quis me studio gloriæ putet idcirco exisse, ut ità redirem? *Pro Sext.* 128.

rejoice,

rejoice, because the Subject of that Par-
ty's Sorrow was the Liberty and Happi-
ness of the Publick.

No Thanks to *Clodius*, the Joy of
that happy Day was not disturb'd. The
vast Conflux of People that resorted to
Rome, according to the Senate's Orders,
from all the Cantons and Districts of
Italy, had occasion'd so prodigious a
Consumption of Provisions, that with-
in two Days after *Cicero's* Return the
Price was considerably enhanc'd. His
Enemies pretended he was the Cause of
that Dearness and Scarcity, because it
was upon his Account such Multitudes
of People were come to *Rome*.

THIS was too plausible a Story for
Clodius to let it pass without endeavour-
ing to make Advantage of it; accord-
ingly he set himself to work, and rais'd
a Mob out of the Scum of the Peo-
ple, who ran clamouring immediately to
the Theatre, where this riotous Crew,
having increas'd their Numbers, com-
mitted such Disorders, that all the Spec-
tators were obliged to fly.

Eo biduo, cum esset annonæ summa caritas, & homines
ad Theatrum primò, deindè ad Senatum concurrissent im-
pulsu Clodii, meâ operâ frumenti inopiam esse clamarent:
cum per eos dies Senatus de annonâ haberetur, &c. 4. ad
Att. 1.

FROM thence the Mob ran and attack'd the Pretor's House, who presided over those Sports and Spectacles, because it belong'd to him as Pretor to provide for the Subsistence of the Town. After this they went to invest the Temple of Concord, where the Senate was then sitting, and meeting the Consul *Nepos* in their Way, they pelted him with Stones, and wounded him severely. Two infamous Ruffians were at the Head of these Rioters, one of which was called *M. Lollius*, who had been employ'd before to murder *Cicero* and *Pompey*; the other's Name was *L. Sergius*, call'd so from *Cataline*, his former Master, to whom he had been Gentleman of Horse, and with whom he had been well disciplin'd, and train'd up in all sorts of Rapine and Violence.

THIS seditious Crew continually below'd out the Name of *Cicero*, as if he was the Author of the Scarcity of Provisions. Boys were likewise employ'd to run about the Streets in the Night-

Quis est iste Lollius? qui Cn. Pompeium interficiendum depoposcit. Quis est Sergius? Armiger Catalinæ; Signifer seditionis. *Pro Domo* 13.

Quid puerorum illa concursatio nocturna? nonne à ipso instituti me frumentum flagitabant? *Ibid* 14.

time,

time, calling aloud for Bread, and exclaiming against *Cicero*.

DURING all this Uproar, he wisely stay'd at Home, and never went out of Doors till it was over, and till he was sent for by the Consuls; for the Senate had several extraordinary Meetings to consider of Ways and Means to appease these Commotions, which otherwise might rise to a dangerous Height.

POMPEY, who ardently desir'd to make himself be thought necessary to the State, was none of the forwardest to quiet the Disturbance, presuming they wou'd be oblig'd to have Recourse to him, when once they found it grow more tumultuous and violent.

CICERO still retaining a great Distrust of *Pompey*, was not sorry, no more than the Consuls, to have so favourable an Opportunity to oblige him; but the soundest Part of the Senate were of different Sentiments; and of all the former Consuls, there was none, except * *Afranius* and * *Messala*, both particularly devoted to his Interest, that came

* *L. Afranius* had been Consul in 693, and *M. Valerius Messala* in 692.

Cum per eos dies Senatus de annonâ haberetur, multitudoque à me nominatim ut id decernerem postularet; feci, & accurate sententiam dixi, cum abessent Consulares, quod tuto se negarent posse sententiam dicere, præter Messalam & Afranium. 4 ad *Att.* 1.

to the Senate ; all the rest absented themselves, pretending it was dangerous for them to vote in that Affair; a very frivolous Pretence, if like the Consuls, *Cicero* and the People, they had been dispos'd to favour *Pompey*.

THE House address'd themselves to *Cicero*, desiring him to prevail with *Pompey* to undertake the Commission for providing necessary Supplies for the present Exigency. *Cicero*, who was well acquainted with *Pompey's* Sentiments in that respect, without any farther Hesitation made his Report to the Senate of the State of Provisions, the great Want of immediate Supplies, and propos'd *Pompey* as the only proper Person for that important Commission, as indeed he was found to be afterwards by Experience.

UPON this Motion of *Cicero's*, it was order'd by a *Senatus-consultum*, that *Pompey* shou'd be engaged to accept the Commission, which was to be confirm'd to

Factum est Senatus-consultum in meam sententiam ut cum Pompeio ageretur, ut eam susciperet, Lexque ferretur. Quo Senatus-consulto recitato, cum concio more hoc insulso, & novo, plausum, meo nomine recitando, dedisset; habui concionem: omnes Magistratus praesentes, praeter unum Praetorem, & duos Tribunos Plebis, dederunt. Postridie Senatus frequens, & omnes Consulares nihil Pompeio postulanti negarunt. 4. ad Att. 1.

him

him by a Law. This Resolution being publickly read to the People, the whole Assembly applauded it, loudly resounding the Name of *Cicero*, according to the Custom newly introduc'd, which our Orator look'd upon as a piece of ridiculous Flattery.

CICERO took this Opportunity to make a Speech to the People, being authoris'd by all the Magistrates that were present, except the Pretor *Appius*, and the two Tribunes *Serranus* and *Gracchus*. This * Harangue, like the Oration * Post reditum ad Quirites. he had made before to the Senate, was nothing but an Enumeration, and a continued Amplification of the Favours and Obligations he had receiv'd from the People.

THE next Day the Senate in a full House granted *Pompey* all that his Friends had desir'd for him, and that with the Concurrence of the former Consuls, who at first had refus'd to be present, when that Affair was debated, because they apprehended *Pompey* wou'd grow too powerful by such an Employment.

THIS gives us an admirable Picture of the Spirit and Temper of Men in publick Bodies or Communities, and lets us see how easy it is to carry a Point, if a Man has but Resolution enough to push

push it. A thousand People that wou'd justly oppose an Affair, while it is under Deliberation, will easily be led into the Approbation of it, when once it is done, what Way soever it be brought about or effected. Whether it be thro' Indolence, or whether it be thro' Fear, they are generally over-rul'd by Example: Men for the most part swim with the Stream, and go along with the Current. One wou'd be apt to think some invisible Powers rose from under the Earth to support an Enterprize, when once it is put into Execution; 'tis, I presume, that all the Obstacles and Inconveniences that were foreseen at a Distance, disappear then, or at least give way to the Necessity of proceeding. Men reason then upon different Principles; because that which was at first the Ground of their Opposition, becomes afterwards an Argument to justify their Compliance.

IN a word, the same Persons, who the Day before were the most opposite to *Pompey's* Views and Designs, thinking him already too great for a single Person, now consented to make him the Commissioner of Provisions, and that not only for the present Necessity, and for *Italy*, but for the Term of five Years, and for all Parts of the World.

POMPEY

POMPEY desired at the same time fifteen Lieutenants or Deputies, which he nominated himself, and *Cicero* at the Head of all the rest declaring, that he look'd upon him as another *Self*, and that without that Condition he would not have accepted the Honour they had conferr'd upon him by making him Superintendant of Provisions in all the Parts of the World.

CLODIUS reproached *Cicero* with this afterwards, as a signal Instance of his Ingratitude to the Senate, charging him with having abandon'd that Body, to which he had the greatest Obligations, and having sacrificed the publick Interest at a critical Juncture to his private Gratitude to a particular Person.

THE Tribune *C. Mescinius*, one of *Pompey's* most zealous Friends, not satisfied with the fore-mentioned Law, of

Ille Legatos quindecim cùm postularet, me principem nominavit, & ad omnia me alterum se fore dixit. Legem Consules conscripserunt, quâ Pompeio per quinquennium omnis potestas rei frumentariæ toto orbe terrarum daretur.

4. *ad Att.* 1.

Ille demens, si ea, quæ ego per hos dies de Republicâ sensi, vituperasset, aliquem se aditum ad aures vestras esse habiturum putavit. *Pro Do.* 3.

Alteram *Mescinius*, qui omnis pecuniæ dat potestatem & adjungit classem & exercitum, & majus imperium in Provinciis, quàm sit eorum, qui eas obtinebant. 4 *ad Att.* 1.

which

which *Cicero* might truly be reckoned the Author, propos'd for making of a Second, in which *Cicero* was suspected to be equally concerned: This latter made *Pompey* Master of all the publick Treasure, gave him both an Army and a Fleet to be maintained at the Charge of the Commonwealth, and over and above all this invested him with a more absolute Power throughout all the Provinces of their Dominions, than any Governor had in his respective Province.

Now the former of these two Laws, which was enacted upon the Advice and Persuasion of *Cicero*, notwithstanding the Murmurs it created amongst those that envy'd *Pompey*, might justly be accounted a wise and moderate Law in comparison of the second, which was really odious and insupportable.

POMPEY the better to cover his Game, pretended to be satisfied with the first; but his most intimate Friends were pushing at the same time, and exerting all their Power to procure the second. *Favonius* and the former Consuls open-

Illa nostra Lex Consularis nunc modesta videtur, hæc Mescinii non ferenda. Pompeius illam velle se dicit: familiares hanc. Consulares, duce Favonio, fremunt, nos tacemus. *Ibidem.*

ly testified their Indignation at it ; *Cicero* kept himself neuter and held his Peace.

INDEED it was a very ticklish Point, and would have been very dangerous for him to speak his Sentiments in so delicate an Affair. And if the Love of his Country inclin'd him on one side to maintain the Cause and support the Rights and Privileges of Liberty, there were too strong and powerful Reasons on the other side to keep him silent.

THE first was, that the Pontiffs not having given their Decision upon the Validity of the Consecration, which *Clo-dius* had procured to be made of his House, he did not yet know whether it would be restored to him or not, nor how much would be awarded him for the Reparation of Damages.

A second Reason, that kept him in this kind of Neutrality was, as I apprehend, tho' he does not name it, that his Brother *Quintus* was not yet entirely safe from the Impeachment he had been threatened with, and that a new Storm was gathering against him, which might

Eò magis tacemus, quòd de domo nostrâ nihil adhuc Pontifices responderunt. Præterea sunt quædam domestica, quæ literis non committo. — 4. ad Att. 1.

possibly

possibly fall upon himself too; for even amongst them, that had espous'd his Quarrel in his Absence, there were a great many, who since his return began to be ill-affected towards him, and plainly discovered that they envied his Glory.

THE better to comprehend the Reasons *Cicero* had not to disgust the Pontifs, it will not be amiss to give some account of their College. At this time they were fifteen in Number; *Numa* their Founder appointed but four at the first Institution, but about four hundred Years afterwards that Number was doubled: *Sylla* after that added seven more, from which time the former eight were called the great, and the other seven the little Pontifs by way of Distinction. This College from its original Foundation had always been invested with the Right of filling up the Vacancies, that happened among its own Members; but about the middle of this Age that Right had been transferr'd to the People, from whom it was afterwards taken away by *Sylla*, and restored to them again in the Consulship of *Cicero*. They had a Power of judging and deciding without Appeal all Differences and Disputes that happen'd in matter of Religion, which made their
their

their Jurisdiction very large and extend to a different variety of Cases: For the least Relation, the smallest Affinity in the World to Religion was sufficient to bring an Affair under their Cognizance.

THEY made what new Regulations they pleas'd within their own District; they examined the Capacity of Priests and of the Magistrates that were concern'd in any religious Function; they presided over their Department in the Administration of sacred Things, and took care that no Novelties or Innovations were introduced into religious Worship: In short they were generally consulted by the People in every thing relating to Religion, and had the Power of fining and punishing, according to the nature of the Offence, all those that disobey'd their Injunctions.

IN these Circumstances *Cicero* stood in need of their Favour; for if they declared the Consecration null, which *Clo-dius* had procured of his House, he then re-entered of course into Possession of the Place that was usurped from him; if they did not, he would be obliged to have recourse to extraordinary Methods to obtain Restitution.

THO' one would imagine the Consuls
3 with

with the Authority of a *Senatus-consultum* had an unquestionable Right to pull down the Buildings, which *Clodius* had erected upon *Cicero's* Foundation, yet their Power being limited by the Consecration, that had been made of the Place, could extend no farther at the most than to change the Purpose, to which it was destined, but could not restore the Property and Possession to the Owner. All that *Cicero* could expect from them was to order an Estimate to be made of the Value both of the Ground and the ancient Building in order to his being indemnified by them, that had the Possession; but this Method was liable to many Inconveniencies, the least of which was to wait a long time in Expectation of that Decision, which, when it was made, would possibly award him a Sum very disproportionate to the Losses he had sustained.

SUCH was the Situation of *Cicero's* Affairs, happy, if compared with what it had been some Months before, but melancholy enough, if considered with respect to the Difficulties of piecing up

Ita sunt res nostræ, ut in secundis, fluxæ: Ut in adversis, bonæ. 4. ad Att. 1.

the

the shattered Remains of his Estate, and repairing his shipwrack'd Fortune.

OUR Orator in his Letter, which acquaints us with part of these Circumstances, has an Expression well worth our Notice and Observation; *I am entering*, says he, *in some sort upon a new Course of Life*. At fifty Years of Age to begin to live upon new Maxims and Principles is a thing very remarkable in so great a Man, may serve as an excellent Pattern, and be of great Consolation to those, who are dissatisfied, as he was, with their past Conduct.

UPON the last of *September Cicero* spoke his admirable * Oration before the Pontifs, in which according to his own Account he excell'd himself, his Troubles having given a new Spirit and Vigour to his Eloquence.

* pro domo sua ad Pontifices;

THIS Discourse consists of two Parts; in the first he endeavours to remove the Prejudices, which *Clodius* had created against him on occasion of *Pompey's* new-granted Commission.

AMONGST the Members of that

Alterius vitæ quoddam initium ordimur. 4. ad Att. 1.

Diximus apud Pontifices pridie Kal. Oct. Acta res est accuratè à nobis: & si unquam in dicendo fuimus aliquid, aut etiam si nunquam aliàs fuimus, tùm profectò doloris magnitudo vim quandam nobis dicendi dedit. 4. ad Att. 2.

Y

Colège

College there were several, as I observed before, that were offended at *Cicero* for taking that Opportunity to favour *Pompey's* Ambition, and to acquit himself of his own personal Obligations to him at the Expence of the publick Interest, which required a Diminution rather than so considerable an Augmentation of his Power. But this was a natural Consequence of that Reformation *Cicero* had resolved to make in his own Conduct, which engag'd him to abate somewhat of his Attachment to the Interest of his Country in Consideration of his own particular Advantage. After we have suffered a long and cruel Persecution, we are very willing to be Friends with those, that have made us feel the Weight of their Power.

THE second and principal Part of this Discourse concerned the Restitution of his House, or rather of the Ground-plot, of which *Clodius* had usurped one Part to himself, and dedicated the other.

THE Decision given by the Pontifs was, "*that the Place might be restored to Cicero*"

Si neque Populi jussu, neque Plebiscito, is, qui se dedicasse diceret, nominatim ei rei præfectus esset, neque Populi jussu, aut Plebiscito, id facere jussus esset; videri, posse sine Religione eam partem aræ mihi restitui; mihi
facta

“ Cicero, if the Person who perform'd
 “ the Ceremony of Consecration was not
 “ appointed and commanded to make
 “ that Consecration by an express Ple-
 “ biscitum, or a special Order from the
 “ People.

THIS Decision was no sooner pro-
 nounc'd, than *Cicero* was congratulated
 and complimented upon it, no Body
 doubting but he wou'd quickly re-enter
 into the Possession of his Property; but
 as clear as this Determination was in *Ci-
 cero's* Favour, *Clodius* wou'd not under-
 stand it so: he like a Madman ran to
 present himself before the People, and
 getting Leave to speak of his Brother
Appius, who was a Pretor, he impudently
 maintain'd, that the Pontifs had decided
 in his Favour, complain'd of *Cicero* for
 taking forcible Possession of a consecrated
 Place in Contempt of their Decree, and
 then excited the People to stand by him
 and his Brother *Appius* in the Defence
 of their Rights and Liberties.

THIS

facta statim est gratulatio. Nemo enim dubitabat, quin
 domus nobis esset adjudicata. Tum subito ille in concio-
 nem ascendit, quam Appius ei dedit, nuntiatque populo,
 Pontifices secundum se decrevisse, me autem vi conari in
 possessionem venire. Hortatur ut se, & Appium sequan-
 tur, & suam libertatem ut defendant. Hic cum etiam in-
 fimi partim admirarentur, partem irriderent hominis amen-

THIS Harangue of *Clodius's*, according to *Cicero's* Account of the Matter, made no great Impression upon the People: Some wonder'd, and others laugh'd at his prodigious Assurance. As for *Cicero* himself, he had wisely determin'd to do nothing, till the Consuls, in virtue of a *Senatus-consultum*, in due Form had treated about the re-building of his House.

THE Senate being met the next Day, the first of *October*, * *Marcellinus* (who had been adopted by one *Lentulus*, but was descended from the illustrious Race of the *Marcelli*) being one of the Consuls elect for the ensuing Year 697, was one of the first that was call'd upon to give his Opinion, and upon his asking the Pontifs what was the Substance of their Decision, *Lucullus*, in the Name of all his Colleagues, answer'd, " *That the Pontifs had determin'd, so far as regarded Religion, leaving it to the Senate to decide the Point of Law.*"
The

* *Cn. Corneli-
us Len-
tulus.*

tiam; ego statueram illuc non accedere, nisi cùm Consules ex Senatus-consulto porticum Catuli restituendam locassent. Kal. Octob. habetur Senatus frequens — à quibus Marcellinus, Sententiam primus rogatus, quæsit, quid essent in decernendo secuti — Tùm Lucullus de omnium Collegarum sententiâ respondit: Religionis Judices Pontifices fuisse, Legis Senatum: se & Collegas suos de Religione statuisse;

The rest of the Pontifs being interrogated in their Turns, all made the same Answer. The House debated upon their Answers, and when it came to *Clodius* to speak his Opinion, or rather to make his Replication to what the Pontifs had declar'd, he rambled so widely from the Point in Debate, that it was easy to perceive his Intention was only to waste their Time, and weary their Patience. In short, after he had dwelt upon his impertinent Harangue for three Hours together, the Indignation and Murmurs of the Senate at last oblig'd him to conclude.

WHEN they were drawing up the Resolution of the House, pursuant to the Opinion of *Marcellinus*, which all the Senators had agreed to, *Serranus* oppos'd it. This Incident occasion'd a new Debate upon what was proper to be done in regard to that Tribune's Opposition. Every Member was of Opinion that they ought to go forwards with it, and

statuisse; in Senatu de Lege staturos. Suo quisque horum loco Sententiam rogatus, multa secundum causam nostram disputavit. Cum ad Clodium ventum esset, cupiit diem consumere: neque ei finis est factus. Sed tamen cum horas tres ferè dixisset, odio, & strepitu Senatus coactus est aliquando perorare — Cum fieret Senatus-consultum in sententiam Marcellini, omnibus præter unum assenti-

and abide by the Resolution of the House; the Purport of which was, that the Ground-Plot of *Cicero's* House shou'd be restor'd to him, and that an Estimate shou'd be made of the Works that were destroy'd, in order to make him Satisfaction. It was added, that the Authority of the House was to be defended by all the Magistrates; and that, if any Violence were committed, the House wou'd impute it to the Person that had oppos'd their Resolution.

At this *Serranus* was afraid, and the fore-mention'd *Cn. Oppius Cornicinus* throwing himself at his Feet, as he had done once before, entreated him to desire the Affair might only be put off to the next Day: The House was very unwilling to comply with his Demand, tho' *Cicero* himself assented to it, because they still remember'd how he had serv'd 'em the first of *January*; but in all Appearance he desisted from his Opposition the next Day, since the *Senatus-consultum*

entibus, *Serranus* intercessit. De intercessione statim ambo Consules referre cœperunt. Cum Sententiæ gravissimæ dicerentur Senatui placere mihi domum restitui, porticum Catuli locari, auctoritatem ordinis ab omnibus Magistratibus defendi, si qua vis esset facta, Senatum existimaturum ejus operâ factum esse, qui *Senatus-consulto* intercessisset.—*Serranus* pertimuit, & *Cornicinus* abjectâ togâ se ad generi

tum was actually concluded on, and drawn up; and the Consuls in Pursuance of that Order appointed proper Persons to take an Estimate of the whole Charge it wou'd require to rebuild *Cicero* his Houses.

THE Calculation that was made of his House in *Rome*, did not exceed * 250000 Livres of our Money; and his other Damages were rated still lower, for they only awarded him about † 62500 Livres for his House at *Tusculum*, and ‡ 31225 for that at *Formia*; these Allowances were so very disproportion'd to the Losses he had sustain'd in his Effects, that even the People complain'd of his hard Usage.

THE Consuls excused themselves upon *Cicero's* Silence, because he himself did not murmur or complain of the Grievance; but in Reality nothing cou'd be more frivolous, as he himself very justly observes, than that Apology: For his Silence on the contrary was a Reason

neri pedes abjecit. Ille noctem sibi postulavit: non concedebant: reminiscabantur enim Kal. Janu. Vix tamen de meâ voluntate concessum est. Postridie S. C. factum est. Deinde Consules porticum Catuli restituendam locarunt: Nobis superficiem ædium Consules de Consilii Sententiâ æstimarunt H. S. vicies—cætera valde illiberaliter: Tusculanam villam quingentis millibus; Formianum H. S. ducentis

son why they shou'd have made him a more ample and generous Reparation. *They*, says he speaking to *Atticus*, *that have clip'd my Wings, you know whom I mean, would be glad they shou'd never grow again; but they're baulk'd in their Expectation, for, I hope, they are growing already.*

I mention'd before, that *Pompey* desir'd *Cicero* to be his principal Deputy in his new Employment of providing Corn for the Commonwealth: but *Cicero* accepted the Commission only upon Terms, *viz.* upon Condition of being at Liberty to lay it down whenever he thought fit.

HE had at that time two other Things in view, which wou'd not suffer him to be more absolutely engaged; the one was to stand Candidate for the Censorship, (supposing the Election of those Magistrates was to come on the ensuing Year;) if that fail'd, the other was to procure himself what they call'd, *Legationem votivam*. THE

ais quinquaginta millibus: quæ æstimatio enim à Plebe reprehenditur. Dicunt illi quidem, pudorem meum; quòd neque negarim, neque vehementius postularim: sed non est id (nam hoc quidem etiam profuisset) verum iidem, mi Pomponi, iidem, inquam, illi, qui mihi pennas inciderant, nolunt easdem renasci: sed, ut spero, jam renascuntur — Ego me à Pompeio Legari ita sum passus, ut
nulla

CICERO's Banishment.

329

THE first of these Designs was truly worthy of such a Consular Person as *Cicero*, the Censorship being the only Dignity he cou'd honourably accept, after those he had been already invested with. That Office of Magistracy was the more distinguish'd, because the Consular Authority lasted but a Year, and of the ten Persons that having been Consuls might aspire to that Dignity, there were but two that cou'd obtain it, because the Censors were but two in Number, and only elected once in five Years.

As to the *Legatio votiva*, I have *elsewhere given an Account of the Nature of that Commission; it gave a Senator the Liberty of absenting himself from *Rome* upon an honourable Pretence, and at the same time ascertain'd him the Honours due to his Rank in all the Cities he pass'd thro' during the Time of his Absence.

CICERO might have Reason to be very glad of using this Permission, in case his new Engagement with *Pompey* and *Cæsar's* Party shou'd lead him farther

nullâ re impedirer, quin, si vellem, mihi esset integrum; aut si Comitia Censuræ proximi Consules haberent, petere posse, aut votivam Legationem suscipere — Domus edificatur

ther than he cared to follow, as he had Reason to apprehend. He was very glad too not to be oblig'd to lose the Sight of *Rome*; for nothing but the most cogent Reasons cou'd tempt him to live at a Distance from *Rome*, which was the Theatre of his Glory, and the only Place for him to reap the Fruits of his admirable Talents.

IN the mean time he had begun to rebuild his House in *Rome*, as also that at *Formia*; but *Tusculum* he entirely neglected, *Formia* being much more convenient for him, because of its nearness to the Town, and he not being in a Condition of supporting the Charges of three Buildings: for besides that the Compensation which was awarded him was very insufficient for that Purpose, he had likewise suffer'd extremely in his Affairs during the Time of his Absence, not only with respect to the Disorder and Confusion that generally happen on such Occasions, but his Wife *Terentia* had moreover been guilty of great Mismanagement, and increas'd the Confusion by unnecessary and unseasonable Expences.

ficatur. Scis quo sumptu, quâ molestiâ reficiatur Formianum: quod ego nec relinquere possum, nec videre. Tusculanum proscripti. 4 ad Att. 2.

WHILST the Building of *Cicero's* House was carried on, *Clodius* enrag'd to see that his Designs had succeeded so ill, and that after all his Endeavours to ruin our Orator, he not only saw him retrieve his Losses, but found himself hated and detested by all honest Men, and that even they, who had encouraged him in his Outrages and Violence, had now deserted him; *Clodius*, I say, enraged beyond measure at all this, resolv'd upon a most desperate and mad Enterprize: This was to put himself at the Head of a Troop of armed Vagabonds, that were always at his Devotion, and with them to invest *Cicero's* House: They actually drove away all the Workmen, pull'd down the Portico of *Catulus*, which was a rebuilding by the Consuls Orders upon the ancient Plan, and was already rais'd as high as the Roof; from hence they took away Stones and other Materials, with which they went and batter'd *Quintus's* House; after

Armatis hominibus ante diem tertium Non. Nov. expulsi sunt fabri de areâ nostrâ, disturbata porticus Catuli, quæ ex Senatus-consulto Consulum locatione reficiebatur, & ad tectum penè pervenerat. Q. fratris domus primò fracta conjectu lapidum ex areâ nostrâ, deinde inflammata jussu Clodii, inspectante urbe, conjectis ignibus, magnâ querelâ

The HISTORY of

after that they set Fire to it in the face of the World, not a Soul daring to oppose their Fury. In short *Clodius* breathing out nothing but Blood and Slaughter ran up and down like a Madman or Fury, enticing Slaves with the hopes of Liberty to join themselves to his Party.

This has constantly been the Course, that all seditious Incendiaries have taken, as the quickest and most effectual way to raise Men, and to strengthen their Party: Besides, it was the only Expedient he had left now, that he was reduced to the Condition of a private Man, and had not the Authority of his Tribuneship, nor the Power of his Colleagues to support him, and knew moreover, that let him do what he would, he could not make himself more criminal than he was.

WHEN I said, that *Clodius* was abandoned by all Persons of Character, I only meant, that no such espoused his Party openly, excepting the Consuls *Nepos* and *Cellius*. The latter of which was a Per-

querelâ & gemitu bonorum omnium — Ille vehemens furere: post hunc verò furorem nil nisi cædem inimicorum cogitare, viciatim ambire, servis apertè spem libertatis ostendere. 4 ad Att. 3.

son

son of a very good Family, and was Brother and Son-in-Law to two Persons of the most distinguish'd Merit. He instead of treading in their Steps had married an enfranchis'd Slave's Daughter, and had signalized himself in all the most scandalous and infamous Debaucheries of those Times, as appears by several of *Catullus's* Epigrams, and by two Passages in *Cicero*. When he had wasted his Fortune in that way of living, he all of a sudden set up for a Philosopher, but notwithstanding that was constantly a Party concerned in all Seditions and Disturbances, he had particularly distinguish'd himself in those, that had been rais'd against *Cicero*, had voted against him upon all Occasions, and had always been one at all the Feastings and Merriments, that had been made by way of rejoicing at *Cicero's* Banishment.

BUT it may truly be said, that *Clo dius* had now nothing left to manage or to lose. Therefore after he had given his Instructions to his rascally Crew, had marked out to them those Persons he had a mind should be

An sicubi aderit Gellius, homo & fratre indignus, &c.
Pro Sext. 110.

The HISTORY of

dispatched, and for that purpose had armed them with Swords, Staves and Stones, he and his Troop fell unawares upon *Cicero*, as he was going down the sacred Way: Our Orator took sanctuary in the House of one **Damio*, whilst they, that were along with him, kept off the Enemy and defended the Place. They soon after dispersed the seditious Rioters, and could easily have destroyed their Chief, as *Cicero* informs us, if he had not hindered them from proceeding to that Extremity.

* M. Tetius
us Damio.

BUT *Clodius* did not give over his extravagant Attempts for all this. The next Day he went in open Day-light, and attack'd the House of *Milo*, and another of *Cicero's* in that Neighbourhood, attended with the same Band, one part of them carrying Arms, and the other lighted Torches in order to set the Houses on Fire. He in the mean time secured himself in the House of that same *P. Sylla*, who had been accused as an Ac-

Itaque ante diem tertium id. Nov. cum sacra viâ descenderem, insecutus est me cum suis: clamor, lapides, fustes, gladii: Hæc improvisa omnia. Discessimus in vestibulum M. Tetii Damionis: Qui erant mecum, faciliè operas aditu prohibuerunt: ipse occidi potuit: Sed chirurgiæ tædet. Milonis domum meamque in Ceramio prid. Id. Nov. expugnare & incendere ita conatus est. *Ec.* 4. ad *Att.* 3.

complice

complice of *Cataline's*, and was defended by *Cicero* in the Year 691.

Q. FLACCUS, who was at that time in *Milo's* House, sallied out upon them with a Company of stout Fellows, who kill'd the most resolute, and dispersed the rest. They would not have spared *Clodius* himself, if they could have found him, but he lay hid in the inner part of *Sylla's* House, which he had wisely pitch'd upon for his Field of Battle.

SYLLA upon this, to purge himself, I presume, from the Suspensions, that might be entertain'd of his having an understanding in this Affair with *Clodius*, presented himself the 14th before the Senate, and made his Complaint of *Clodius's* Behaviour. *Clodius* himself was not then in the House; however that did not hinder the Affair from being taken into Consideration upon the Motion of the Consul *Marcellinus*. But as they were oblig'd to hear the Opinion of every Member, *Nepos* and *Appius*,

Ipse domum P. Sullæ pro castris sibi ad eam impugnationem sumpserat, Tum ex Annianâ Milonis domo Q. Flaccus eduxit viros acres, occidit homines, ipsum cupivit: sed ille se in interiorem partem Ædium abdidit. Sulla in Senatu postridiè Idib. Clodius domi. Egregius Marcellinus omnes acres——

whom

whom I have mentioned before, took up the whole Day's Session in delivering their Sentiments; so that nothing being concluded that Day, *Clodius* had the Impudence boastingly to threaten, that, if they did not proceed immediately to the Election of the Ediles, he would set Fire to the four Corners of *Rome*.

I N all *Nepos's* Conduct with respect to his Kinsman *Clodius* we find a perfect Image of what is commonly practised by a World of People. How good and virtuous soever they be themselves, yet they never totally abandon their Relations, be they never so profligate and infamous: As if the Punishment due to their Crimes was more dishonourable to their Name and Family, than the Crimes themselves.

MARCELLINUS's Advice was to join all *Clodius's* Attempts and Outrages against *Cicero* together, and to pass a *Senatus-consultum* upon that Subject, before they thought upon the Election of the Ediles, and to let *Clodius*

Metellus calumniâ dicendi tempus exemit adjuvante Appio. Ille postea si Comititia sua non fierent urbi minari. Marcellini sententia, ut totam nostram causam aræ, incendiorum, periculi mei iudicio complecteretur, eaque omnia Comititiis anteferreret

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see they did not regard his Threatnings, he declared he would observe the Heavens every Day the Assembly was held for that Election.

NEPOS in the mean time made several turbulent Discourses before the People; *Appius* spoke with no less Boldness and Temerity, and *Clodius* according to Custom harranged them in the most furious and extravagant manner.

MILO did not content himself with declaring, as *Marcellinus* had done, that he would observe the Heavens upon the Day the Assembly was appointed to be held for electing the Ediles, which was the 20th of *November*, but when the time came, he went at Midnight into the *Campus Martius*, the Place where it was to be held, attended with a considerable Number of brave resolute Fellows.

CLODIUS, who had nothing but poor wretched Scoundrels in his Retinue, did not presume to make his Appearance. *Milo* continued upon the Place till Noon

Proscripsit se per omnes dies Comitiales de Cœlo servaturum. Conciones turbulentæ Metelli, temerariæ Appii, furiosissimæ Publii. Milo mediâ nocte cum magnâ manu in Campum venit. Clodius, cùm haberet Fugitivorum dejectas copias, in Campum ire non est ausus.——

The HISTORY of

to the great Satisfaction of the whole Town, who justly looked upon him as the only Person capable of making Head against the seditious Party.

NEPOS to bring himself off by a Bravado required the Assembly to be adjourn'd to the next Day, declaring at the same time he knew no Necessity that there was to come thither at Midnight, and that for his part he should not come before seven in the Morning.

BUT he made more Haste than he had promised, for he was secretly marching thither through cross Streets and By-ways before break of Day; but *Milo*, who was too quick for him, overtook him in his Passage, and declared to him, that he was going to observe the Heavens, upon which he thought fit to retreat notwithstanding *Q. Flaccus*, who was present, terribly reproached him with his Cowardise.

THE 22d was a Market Day, so that

Milo permanſit ad meridiem mirificâ hominum lætitiâ, ſummâ cum gloriâ. Metellus poſtulat, ut ſibi poſtero die in foro obnuntietur: Nihil eſſe, quòd in campum noctu veniretur: Se hora prima in Comitio fore. Itaque ante diem xi. Kal. Janu. in Comitium Milo de nocte venit: Metellus cum primâ luce furtim in campum itineribus propè deviis currebat: Aſſequitur hominem Milo: Obnuntiat: Ille ſe recipit magno turpique *Q. Flacci* convicio. Ante diem x. Kal. nundinæ Concio biduo nulla,

the

the Affair slept for that Day and the next. Upon the 24th *Milo* was in the *Campus Martius* very early in the Morning; but *Metellus* was then so fast asleep, and snoring so loudly, that in all appearance he had no Thoughts of disputing the Ground with so brave an Adversary.

FOR the better understanding of what I have said, we must observe, that there were two sorts of Persons qualified to observe the Heavens, *viz.* The Augurs, and the Magistrates, who had a special Privilege of doing it in virtue of their civil Capacity. The Magistrates could declare they were going to observe, as *Milo* did here in the Quality of a Tribune, and that Declaration was sufficient of it self to hinder the Execution or Consideration of any sort of Business for that Day; whereas the Augurs (whose Observations tended as well to further, as to hinder Business) could not make their Declaration till after they had observed, because they were obliged at the same time to say whether the Omens were favourable or otherwise.

BUT we are not to conclude from this two-fold use of the augural Observations,

Ante diem viii. Kal. Milo Campum jam tenebat. Marcellus ita stertebat, ut ego vicinus audirem. 4. ad Att. 3.

that the Augurs could of their own accord interpose in civil Affairs or Matters of Government, much less be able by that means to disturb the publick Tranquillity. They were truly and properly Ministers of Religion, and as such had all the Authority that was requisite for so venerable a Character; but that Authority did not extend so far as to interpose in mixt and civil Affairs, unless required by the Magistrate; therefore, if they were not called upon in a legal Way to exercise their Functions, they could not exercise any that were lawful or valid.

As to the Magistrates, we may suppose they were not so expert in the Science of observing, as those that made it their particular Profession; but under any Doubt whether the Omens were auspicious or inauspicious, their Declaration was not therefore the less effectual; it was always more safe and convenient to suspend the Execution of what they seem'd to disapprove, than to transgress their Injunctions; and the best and surest way was to wave the Enterprize, and do nothing at all under such a Dilemma. Besides, it was but reasonable to pay such a Deference and Regard to them, as to think an Affair required the Direction of
Heaven,

Heaven, when they judg'd so themselves by making it their Duty to consult it, leaving the Augurs to consult it afterwards according to the Rules of their Art, if it was thought needful.

THE Senate met again towards the middle of *December* and resum'd the Consideration of *Clodius's* Misdemeanors. *Marcellinus* enlarged very much upon the Subject and propos'd, "*That the*
 " *Prætor of the City should determine*
 " *the Judges, that were to take Cogni-*
 " *zance of that Affair by Lot, that they*
 " *should proceed afterwards to the Electi-*
 " *on of Ediles, and that in the mean*
 " *time if any one occasioned any Impedi-*
 " *ment to the course of Justice, he should*
 " *be accounted a Disturber and an Ene-*
 " *my to the Publick.*"

NOTWITHSTANDING this Motion was generally applauded, *C. Cato* and *Cassius Longinus*, new Tribunes, made another in Opposition to it, alledging, that the Election of the Ediles ought to be previous to that Impeachment. *Cicero* being

Marcellinus cum graviter de Clodianis incendiis, trucidationibus, lapidationibus questus esset, Sententiam dixit, ut ipse Judices Prætor urbanus sortiretur, Judicium sortitione factâ, Comitia haberentur: Qui Judicia impedivisset, eum contra Remp. esse facturum. Approbata valdè sententia.

C. Cato contra dixit & Cassius, Sc. 2. ad Q. fra. 1.

con-

consulted in his turn spoke very copiously upon all the Excesses and Exorbitances of *Clodius*, and painted him in his proper Colours: The House was no less delighted to see *Clodius* humbled and mortified, than our Orator was himself to have an Opportunity of returning his Enemy some part of the Vexation and Disquiet that he had suffered from his unbridled Malice and Fury.

ANTISTIVS, another Tribune, did not scruple to applaud our Orator for displaying his Eloquence upon so proper an Occasion.

CLODIUS was likewise required in his turn to speak his Opinion, who according to his way made a long and tedious Harangue, that he might break up the Session, which he effectually did with the help of a sudden Noise and Tumult, that was purposely raised by his own Emissaries, who with great Clamour and Violence came rushing out of the Palace belonging to the *Grecian* Embassadors, which was adjoining to the Temple of *Hostilius*, the Place where the Senate that Day held their Session; this Uproar alarm'd the House, and oblig'd them to retire.

To pursue the Sequel of this Affair would carry us beyond the Limits of our
Narra-

Narration; for *Clodius* having by one means or other obtained the Edileship, could not be prosecuted or called to Account during that Year; nor was our Orator truly revenged of his Outrages and Insults, till *Milo* four Years afterwards purged the Commonwealth of that pestilent pernicious Citizen.

F I N I S.



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